



No. 49

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Insurance Act.

MR. CONANT

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 256, s. 104,
re-enacted.

1. Section 104 of *The Insurance Act* is repealed and the following substituted therefor:

Renewal of
contract.

104. A contract may be renewed by the delivery of a renewal receipt identifying the policy by number, date or otherwise, or a new premium note.

Rev. Stat.,
c. 256, s. 211,
amended.

2. Section 211 of *The Insurance Act* is amended by adding thereto the following subsection:

Renewal of
contract.

(2) A contract may be renewed by the delivery of a renewal receipt, identifying the policy by number, date or otherwise.

Rev. Stat.,
c. 256, s. 214,
re-enacted.

3. Section 214 of *The Insurance Act* is repealed and the following substituted therefor:

Ticket
policy.

214. Where a policy of accident insurance is issued in the form of a ticket through the agency of a transportation corporation, the statutory conditions set out in section 212 need not be printed on the ticket if such policy contains the following notice printed in conspicuous type: "This policy is subject to the statutory conditions respecting contracts of accident insurance."

Rev. Stat.,
c. 256, s. 227,
par. 1,
amended.

4. Paragraph 1 of section 227 of *The Insurance Act* is amended by inserting after the word "America" in the second line the words "or of the American Institute of Actuaries," so that the said paragraph shall now read as follows:

"Actuary."

1. "Actuary" means a Fellow of the Actuarial Society of America or of the American Institute of Actuaries, or of the Institute of Actuaries of Great Britain,

EXPLANATORY NOTES

SECTION 1. The present section limits the term of insurance on mercantile and manufacturing risks to one year and the term of other risks to three years. The restriction is repealed.

SECTION 2. This new subsection is merely to make it clear that an accident or sickness contract may be renewed by a renewal receipt.

SECTION 3. This section provides for the issuing of travel accident insurance tickets by all types of transportation companies. At the present time the Act only provides for railway companies to issue these contracts.

SECTION 4. This paragraph defines who may act as an actuary for the Fraternal Part. The definition is extended to include a 'Fellow of the American Institute of Actuaries' a now well-recognized society.

or of the Faculty of Actuaries in Scotland, provided, however, that an actuary who, for a period of not less than five years preceding the date of the passing of this Act, has been serving a licensed fraternal society transacting business in Ontario on the said date as its actuary, and who has been in active practice as an actuary for a period of not less than twenty-five years prior to the said date, may for the purpose of this Act, with the consent of the Superintendent, be continued as an actuary of any such society by which at the said date he is employed as actuary.

Rev. Stat.,
c. 256, s. 281,
subss. 16,
17, re-
acted.

5. Subsections 16 and 17 of section 281 of *The Insurance Act* are repealed and the following substituted therefor:

Salaried
officials,
etc., acting
without
license.

(16) Unless the Superintendent otherwise directs, an officer or salaried employe of a licensed insurer who does not receive commissions, or an attorney or salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney, or a salaried employee of a licensed agent or broker who does not receive commissions and who acts only in the name and on behalf of such licensed agent or broker may, without a license, act for such insurer, exchange, agent or broker in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer, exchange, agent or broker may lawfully undertake, provided that officers or employees whose applications for licenses as insurance agents have been refused or whose licenses have been revoked or suspended, may not so act without the written approval of the Superintendent, and provided further that in the case of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a license.

Licensing of
transporta-
tion ticket
agents.

(17) Notwithstanding anything contained in this Act, the Superintendent may issue a license to a transportation company authorizing it, by its employees in the province to act as an agent for a licensed insurer with respect to accident insurance and such other classes of insurance as he may approve.

Regulations.

(17a) The license shall be subject to such regulations as the Lieutenant-Governor in Council may prescribe with respect to the form of the certificate, the terms and conditions under which it is issued, and the

SECTION 5, SUBSECTION 16. Salaried employees of insurance companies or agents are excepted from the requirement of license under *The Insurance Act* by this subsection. The meaning of the subsection has been questioned. The new subsection revises the wording of the present subsection placing discretion in the superintendent as to its application.

SUBSECTIONS 17 AND 17a. This is merely a revision of the wording of the present section to bring it into uniformity with the Insurance Acts of the other provinces.

circumstances under which it may be suspended or cancelled.

Short title.

6. This Act may be cited as *The Insurance Amendment Act, 1939*.

BILL

An Act to amend The Insurance Act.

1st Reading

March 20th, 1939

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"Actuary." 1. "Actuary" means a Fellow of the Actuarial Society of America, or of the American Institute of Actuaries, or of the Institute of Actuaries of Great Britain,

EXPLANATORY NOTES

SECTION 1. The present section limits the term of insurance on mercantile and manufacturing risks to one year and the term of other risks to three years. The restriction is repealed.

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(16) Unless the Superintendent otherwise directs, an officer or salaried employee of a licensed insurer who does not receive commissions, or an attorney or salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney, or a salaried employee of a licensed agent or broker who does not receive commissions and who acts only in the name and on behalf of such licensed agent or broker may, without a license, act for such insurer, exchange, agent or broker in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer, exchange, agent or broker may lawfully undertake, provided that officers or employees whose applications for licenses as insurance agents have been refused or whose licenses have been revoked or suspended, may not so act without the written approval of the Superintendent, and provided further that in the case of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a license.

Licensing of
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(17) Notwithstanding anything contained in this Act, the Superintendent may issue a license to a transportation company authorizing it, by its employees in the province to act as an agent for a licensed insurer with respect to accident insurance and such other classes of insurance as he may approve.

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circumstances under which it may be suspended or cancelled.

Commence-
ment of s. 1.

6. Section 1 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Insurance Amendment Act, 1939.*

BILL

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1st Reading

March 20th, 1939

2nd Reading

March 22nd, 1939

3rd Reading

MR. CONANT

(Reprinted as amended in Committee of the
Whole House.)

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BILL

An Act to amend The Insurance Act.

1st Reading

March 20th, 1939

2nd Reading

March 22nd, 1939

3rd Reading

April 14th, 1939

MR. CONANT

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Assessment Act.

MR. MACFIE

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 4,
par. 22,
amended.

1. Paragraph 22 of section 4 of *The Assessment Act* is amended by adding thereto the following clause:

Power to
pass by-law
respecting
farm lands
which cease
to be "wood-
lands."

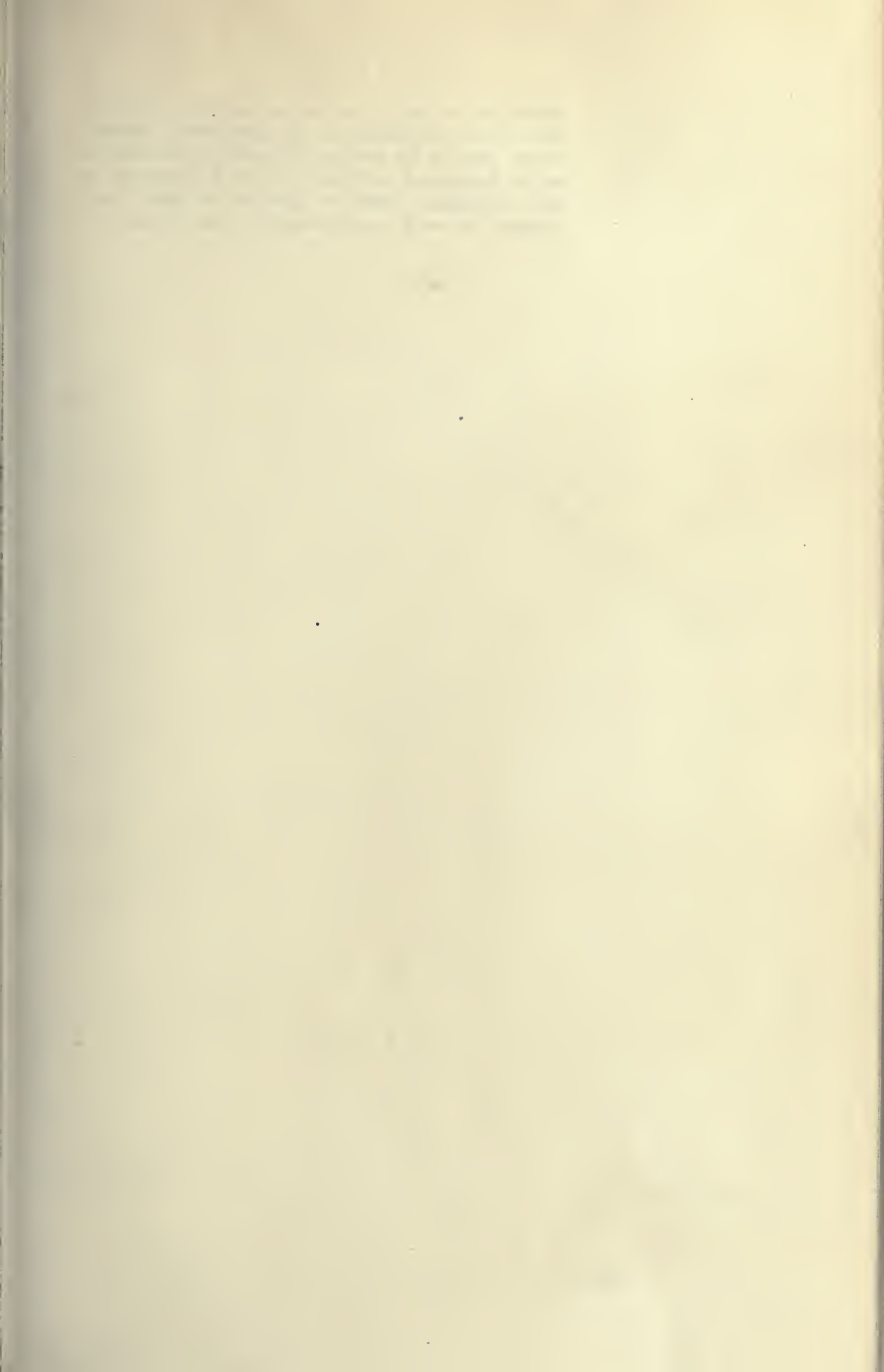
- (b) The council of a town, village or township may by by-law provide that if any part of a farm exempted from taxation ceases to be used for forestry purposes or to be "woodlands" so as not to come within the purview of this paragraph, the assessor shall so report to the clerk who shall forthwith amend the collector's roll by inserting therein the rates or taxes with which such farm would theretofore have been chargeable if such part of the farm had not been so exempt or such portion of such taxes or rates as the by-law may provide or the council may by resolution deem proper, and such rates or taxes or portion thereof shall be collectible in accordance with such amended roll.

Rev. Stat.,
c. 272, s. 42,
subs. 1,
amended.

2. Subsection 1 of section 42 of *The Assessment Act* is amended by inserting after the word "lighting" in the thirteenth line the words "oiling, treating for dust," so that the said subsection shall now read as follows:

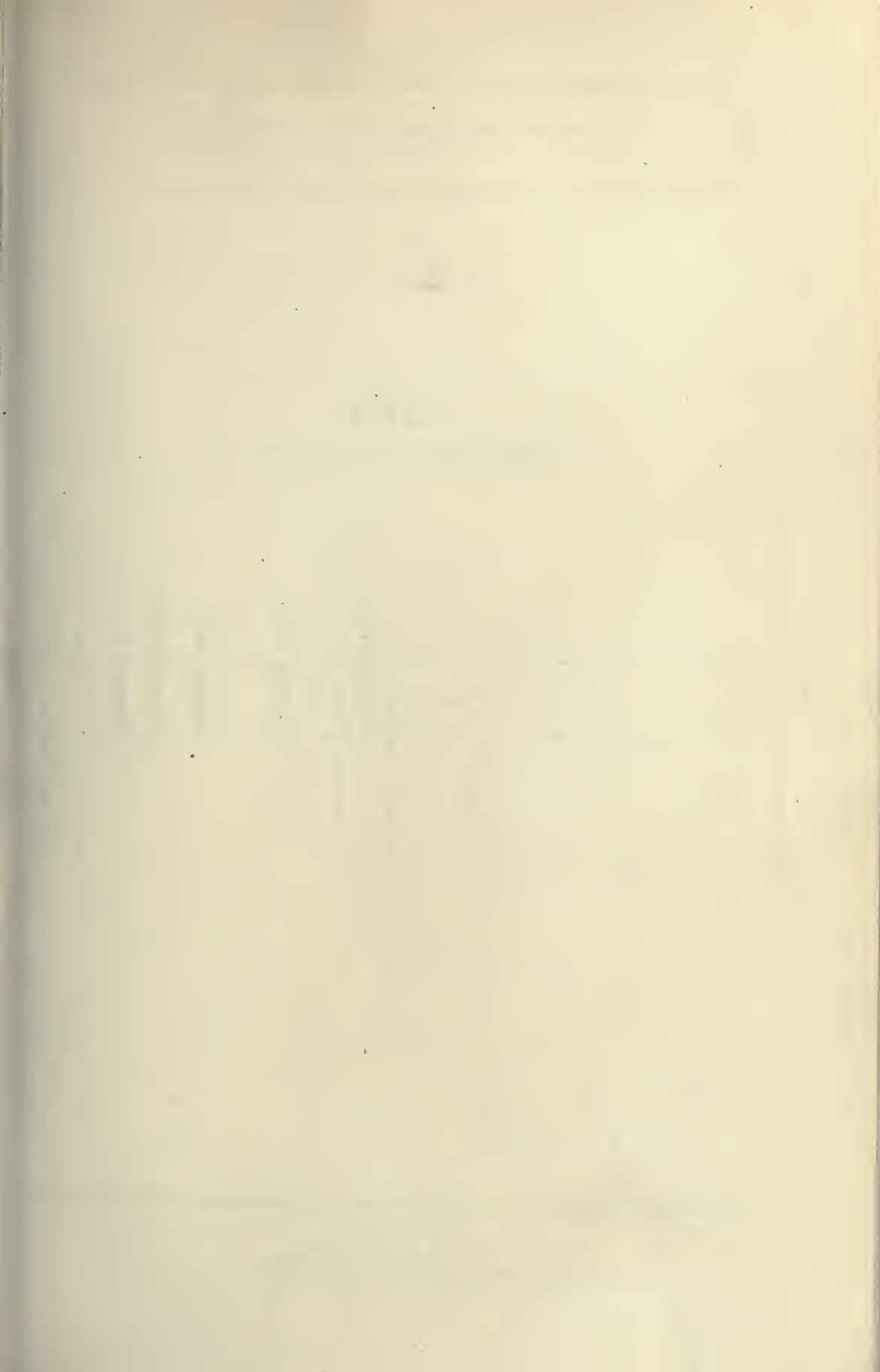
Exemption
of farm
lands from
taxation
for certain
expenditures.

- (1) In a town or village where lands, held and used as farm lands only and in blocks of not less than ten acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or village shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for waterworks, whether for domestic use or for fire



protection or both, the making of sidewalks, the construction of pavements and sewers or the lighting, oiling, treating for dust and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them.





BILL

An Act to amend The Assessment Act.

1st Reading

March 22nd, 1939

2nd Reading

3rd Reading

MR. MACFIE

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Optometry Act.

Mr. MacGILLIVRAY

No. 51

1939

BILL

An Act to amend The Optometry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 246, s. 1,
cl. c,
amended.

1. Clause *c* of section 1 of *The Optometry Act* is amended by striking out the words "or repairs the same" in the fourth and fifth lines, so that the said clause shall now read as follows:

"Optician,"
meaning
of.

(c) "Optician" shall mean any person who dispenses any ophthalmic lens or lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or fills any optometrist's or duly qualified medical practitioner's prescription for any such lenses, spectacles or eye-glasses.

Short title.

2. This Act may be cited as *The Optometry Amendment Act, 1939*.

EXPLANATORY NOTE

The Bill removes from the definition of "optician" persons who simply repair eye-glasses or spectacles.

BILL

An Act to amend The Optometry Act.

1st Reading

March 22nd, 1939

2nd Reading

3rd Reading

MR. MACGILLIVRAY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

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Short title.

2. This Act may be cited as *The Optometry Amendment Act, 1939*.



BILL

An Act to amend The Optometry Act.

1st Reading

March 22nd, 1939

2nd Reading

March 29th, 1939

3rd Reading

April 25th, 1939

MR. MACGILLIVRAY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Training Schools Act, 1939.

MR. NIXON (Brant).

BILL

The Training Schools Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

"Board."

- (a) "Board" shall mean The Training Schools Advisory Board;

"Depart-
ment."

- (b) "Department" shall mean the Department over which the Minister has charge;

"Foster
home."

- (c) "Foster home" shall include the dwelling of any trustworthy and respectable person where a boy or girl is permitted to live under section 22, a home or other institution maintained by any religious or charitable organization for the purpose, in whole or in part, of providing a home for boys or girls, or both, and any hospital connected therewith, and any other home, institution or place designated by the Board;

"Inspector."

- (d) "Inspector" shall mean such officer of the Department as may be designated by the Minister;

"Judge."

- (e) "Judge" shall mean judge of a county, district or juvenile court, or magistrate;

"Minister."

- (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Municipi-
pality."

- (g) "Municipality" shall mean county, city and separated town and in a provisional judicial district shall also mean a town and township having a population of 5,000 or over;

"Ontario
training
school."

- (h) "Ontario training school" shall mean a training school owned and operated by the Government of Ontario under this Act;

EXPLANATORY NOTES

GENERAL. This Act replaces the present *Industrial Schools Act* and *Training Schools Act*. It provides for two types of training schools, Ontario training schools operated and maintained by the Government of Ontario, and private training schools operated by religious societies, organizations or orders or by charitable or philanthropic organizations. Ontario training schools now under operation will continue as such and existing industrial schools will become private training schools.

SECTION 1. Various words used in the Act are defined. Many of the definitions are the same as those appearing in either *The Industrial Schools Act* or *The Training Schools Act*.

"Foster home," the meaning of which has caused some little difficulty in the past is defined so as to clarify its meaning.

"Ontario training school" and "private training school" are defined in accordance with the above explanation and "training school" is defined so as to include both Ontario training schools and private training schools.

"Society" is defined to include the classes or organizations which may be authorized to operate private training schools.

"Private training school."

(i) "Private training school" shall mean a training school operated by a society under this Act;

"Regulations."

(j) "Regulations" shall mean regulations made under the authority of this Act;

"Society."

(k) "Society" shall mean religious society, organization or order or charitable or philanthropic organization;

"Superintendent."

(l) "Superintendent" shall mean superintendent or other person in charge of a training school; and

"Training school."

(m) "Training school" shall mean a training school established under this Act and shall include Ontario training school and private training school.

Purpose of training schools.

2.—(1) The purpose of a training school shall be to provide the boys or girls therein with a mental, moral, physical and vocational education, training and employment.

Gifts.

(2) Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school.

Establishment of training schools.

3.—(1) The Lieutenant-Governor in Council may provide for the establishment of Ontario training schools.

Name.

(2) Every training school established under this section shall bear the name "The Ontario Training School for Boys (or Girls)" followed by the name of the municipality where the school is located or the name of such other municipality as the Lieutenant-Governor in Council may designate.

Property vested in Crown.

(3) All real and personal property acquired by purchase, gift or otherwise pertaining to Ontario training schools shall be vested in the Crown represented therein by the Minister of Public Works.

Cost of establishing and maintaining.

(4) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as may be appropriated for such purpose by the Legislature and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund.

Private training schools.

4.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, authorize any society to establish and maintain a private training school, provided that, subject to the other provisions of this Act, any society so authorized shall be responsible for the maintenance in proper condition of such training school, its premises and

SECTION 2.—Subsection (1) The purpose of training schools is here set out.

Subsection (2) Municipal corporations, as well as associations, corporations and individuals, are permitted to make gifts to training schools.

SECTION 3.—Subsection (1) This is the provision which provides for the establishment of Ontario training schools.

Subsection (2) The names of Ontario training schools are provided for.

Subsection (3) All property pertaining to Ontario training schools is vested in the Crown.

Subsection (4) The cost of establishing and maintaining Ontario training schools is provided for.

SECTION 4.—Subsection (1) This provision permits the Lieutenant-Governor in Council, upon the recommendation of the Minister to authorize any society (as defined in section 1) to establish and maintain a private training school, and the obligation of any such society to maintain the training school in proper condition is here provided.

equipment, and the Lieutenant-Governor in Council may cancel any authority issued by him under this subsection for any reason which in his opinion warrants such cancellation.

Name. (2) A private training school shall bear such name or other designation as may be approved by the Lieutenant-Governor in Council, but no such name or designation shall contain the phrase "Ontario Training School."

Approval of site and plan. (3) A private training school shall not be erected, acquired or established until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given.

Granting or leasing of land. (4) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for training school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust.

Training Schools Advisory Board. 5.—(1) There shall be a board of five members to be known as "The Training Schools Advisory Board," the members of which shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure, and the Lieutenant-Governor in Council may designate one of the members to be chairman of the Board.

Secretary. (2) The Minister may appoint a secretary for the Board.

Meetings. (3) The Board shall meet at the call of the Minister or the chairman.

Board to act in advisory capacity. (4) The Board shall act in an advisory capacity to the Minister and when requested by him so to do shall consult with him as to the administration of this Act and of training schools.

Inspection of training schools. (5) The Board shall by visiting, inspecting and otherwise investigating training schools, ascertain the condition thereof and of the boys and girls therein, particularly as to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, health, treatment, conduct and discipline and shall make such reports to the Minister as he may require together with any recommendations which it deems advisable.

Designating foster home. (6) The Board may designate any home, institution or other place as a foster home.

Subsection (2) The names which may be used by private training schools are here provided for.

Subsection (3) This subsection provides for the Minister's approval of the site and plans of a training school and prohibits any change therein without like approval.

Subsection (4) It is declared that a religious corporation may use for training school purposes any land which it may use for "religious, charitable or educational purposes."

SECTION 5.—Subsection (1) The Training Schools Advisory Board is established. It is a Board of five members appointed by the Lieutenant-Governor in Council.

Subsection (2) Self-explanatory.

Subsection (3) Self-explanatory.

Subsection (4) The advisory nature of the Board is indicated in this subsection.

Subsection (5) The general duties of the Board as to the inspection of training schools and of the boys and girls therein is set out.

Subsection (6) The Board is authorized to designate any home, institution or other place as a foster home for the purposes of the Act.

Allowance
to members
of Board.

(7) The members of the Board shall serve without remuneration, provided that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board.

Inspection
of schools.

6.—(1) Every training school shall be inspected by the inspector who shall have free access to all parts of the training school and the premises where it is located and to all books and records of such training school, and in the case of a private training school the inspector shall also have authority to inspect the books and records of the society maintaining such training school in so far as they relate to the training school.

Minister
may request
inspection
of training
school.

(2) The Minister may request any inspector or other officer or employee of any other department to conduct an inspection of any training school for any special purpose and for the purposes of such inspection, such inspector, officer or employee shall have the same powers as an inspector acting under subsection 1.

Reports of
inspections.

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister may require.

Certain
children
under 16
may be
brought
before judge.

7.—(1) Any person may bring before a judge any boy or girl apparently under the age of sixteen years who,—

- (a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;
- (b) is found wandering and has not any home or settled place of abode or proper guardianship;
- (c) is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;
- (d) is an habitual truant and whose parent or teacher represents that he is unable to control the boy or girl;
- (e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

Subsection (7) It is provided that members of the Board will serve without remuneration but provision is made for a per diem allowance and for the payment of travelling expenses.

SECTION 6.—Subsection (1) The inspection of training schools is here provided for.

Subsection (2) Special inspections for any special purpose are provided for by this subsection.

Subsection (3) The subsection provides for reports being made by persons conducting inspections of training schools.

SECTION 7.—Subsection (1) The subsection provides for the bringing of any boy or girl apparently under the age of sixteen years before a Judge in the circumstances there set out.

(f) has been accused or found guilty of petty crime; or

(g) proves unmanageable or incorrigible.

Judge to
inquire into
truth of
facts
charged.

(2) No formal information shall be requisite, but the judge shall have the boy or girl brought before him and shall in the presence of the boy or girl take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof.

Hearing in
private.

(3) The judge shall hear all cases coming before him under this section in camera.

Judge may
order child
to school.

(4) If the judge is satisfied on inquiry that it is expedient to deal with the boy or girl under this Act, he shall make his order in writing that the boy or girl be sent to a training school.

Appeal to
Court of
Appeal.

(5) Any order made under this Act shall be subject to an appeal to the Court of Appeal and such appeal may be at the instance of any next friend.

Child under
16 may be
sent to
training
school.

8. Where under the authority of any Statute of Ontario or of any other Statute or law of Canada, any person is convicted of an offence punishable by imprisonment, and the judge before whom he is convicted is of opinion that such offender is under the age of sixteen years, the judge may direct him to be sent to a training school.

Copy of
evidence to
be sent to
superintend-
ent.

9. The judge shall forward a copy of the evidence taken before him to the superintendent of the training school to which the boy or girl is sent and a copy to the Board, provided that where the evidence is unusually long he may send copies of a statement containing all facts relating to the boy or girl in lieu thereof.

Powers of
Minister.

10. The Minister may, at any time, order that a boy or girl,—

Rev. Stat.,
c. 312.

(a) who has been made a ward of a children's aid society under the provisions of *The Children's Protection Act* or any other boy or girl who in the opinion of the Minister is in need of the training and discipline offered by a training school shall be admitted to a training school;

(b) be transferred from one training school to another or to any foster home; or

(c) be discharged from a training school either absolutely or on such conditions as he may think fit;

Subsections (2), (3), and (4) These subsections provide for the hearing by the judge in camera and provide that the judge may send any such boy or girl to a training school where he deems it expedient.

Subsection (5) An appeal is provided from the judge.

SECTION 8. This section provides for the sending to a training school of any boy or girl apparently under the age of sixteen years, who has been convicted under any Statute of Ontario or Canada.

SECTION 9. The judge is required to send a copy of the evidence to the superintendent of the training school and a copy to the Board, but where the evidence is unusually long he may instead send copies of a statement containing all facts relating to the boy or girl.

SECTION 10. The powers of the Minister as to the admission, transfer and discharge of boys and girls to and from training schools are here prescribed.

and every such boy or girl shall be admitted, transferred or discharged accordingly.

Religion of child to be considered.

11. As far as practicable, a Roman Catholic boy or girl shall be sent to a training school maintained by a Roman Catholic society and a boy or girl of any other religious persuasion to an Ontario training school or a private training school other than one maintained by a Roman Catholic society.

Visits by clergymen.

12. A clergyman of the religious persuasion to which a boy or girl appears to belong may visit the boy or girl at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by the regulations.

Transportation of children to school.

13.—(1) Every boy or girl sent to a training school shall where practicable be taken to the school by an agent or member of a children's aid society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance.

Expenses in a provisional judicial district.

(2) The expenses of conveying any boy or girl to a training school from any part of a provisional judicial district not included in a city or separated town or in a town or township having a population of 5,000 or over, shall be payable out of any money appropriated for the administration of justice in provisional judicial districts.

School to be designated in order.

14.—(1) The judge or Minister shall in his order sending or admitting a boy or girl to a training school, designate the school to which the boy or girl is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the boy or girl, as well as the religious persuasion and the municipality liable for maintenance.

When order to be binding.

(2) A copy of the order shall be forwarded by registered post to the clerk of the municipality declared liable for maintenance and unless within one month of the mailing thereof the corporation of such municipality applies to the Minister, in cases where the order was made by the Minister, and in other cases to the judge making the order, or to the judge of the division court of the division in which the parent, step-parent or guardian of the boy or girl resides, to vary such order by having some other municipality declared liable for the maintenance of the boy or girl, the corporation shall subject to the provisions of sections 17 and 18 be estopped from denying liability thereunder.

Liability of municipality.

15.—(1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the

SECTIONS 11 and 12. These sections deal with the religion of boys and girls. They provide that a Roman Catholic boy or girl shall be sent to a Roman Catholic training school and they also provide for the admission to a training school of clergymen of the religious persuasions of the boys and girls therein.

SECTION 13. This section provides for conveying boys and girls to training schools.

SECTION 14.—Subsection (1) The matters to be set out in an order of the judge or Minister sending or admitting a boy or girl to a training school are here prescribed.

Subsection (2) A copy of an order sending or admitting a boy or girl to a training school shall be sent to the clerk of the municipality declared liable for maintenance and unless an application is made as provided by this section that municipality is estopped from denying liability.

SECTION 15. The liability of a municipality for the maintenance of a boy or girl, who belongs to such a municipality, in a training school is established by this section and subsections (2), (3), (4) and (5) indicate the manner in which the municipality to which a boy or girl belongs shall be determined.

municipality to which the boy or girl belong shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of fifty cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the boy or girl in the training school.

Where boy
or girl
belongs.

(2) For the purposes of this section, a boy or girl shall be deemed to belong to the municipality in which such boy or girl has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the municipality in which the boy or girl was taken into custody shall be presumed.

Where
mother's
residence
taken.

(3) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which the boy's or girl's mother has last resided for one year shall be deemed liable for maintenance.

Periods to
be excluded
in fixing
time.

(4) In the computation of the time in subsections 2 and 3, the time during which the boy or girl, or the mother of such boy or girl, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

Other
cases.

(5) In all other cases, the judge shall determine the municipality to which the boy or girl belongs.

Statements
of account
to be
rendered.

16. When under this Act the charges for any boy or girl in a training school are payable by a municipality, the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
proper
municipal-
ity.

17. Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that such boy or girl was not a resident therein but at the time of admission to a training school was a resident in another municipality in Ontario, the municipality which made the payment may recover the amount thereof as a debt from the municipality in which such boy or girl was a resident and

SECTION 16. The superintendent is required to send statements respecting the maintenance of boys and girls to the municipalities to which such boys and girls belong.

SECTION 17. A municipality which has paid the charges of a boy or girl who does not belong to such a municipality is here given a right of recourse against the municipality to which the boy or girl belongs.

upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 18.

Municipal
right of
recourse.

18. Upon payment by a municipality of any account rendered to it under this Act, such municipality may recover from any person liable in law in respect to such boy or girl, the amount of the payment so made, and such amount may be recovered as a debt in any court of competent jurisdiction.

County's
right to
contribution.

19. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county, in which such boy or girl was a resident at the time of admission to a training school.

Contribu-
tion from
Province to
private
schools.

20.—(1) The sum of fifty cents per day and in the case of a boy or girl belonging to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of seventy-five cents per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose.

How amount
to be calcu-
lated.

(2) In calculating the amount of aid to be so given, the day of departure of any boy or girl from such institution shall be included.

How grant
to be
payable.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the inspector approved by the Minister.

School
wardship
over boys
and girls.

21.—(1) Every boy or girl sent or admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and, subject to the provisions of the regulations, shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by Statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school.

Restoration
of other
wardship.

(2) When the Minister provides that the wardship of the training school shall cease, the boy or girl shall thereupon become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

SECTION 18. Municipalities are given a right of recourse against persons liable in law for the maintenance of any boy or girl in respect of which the municipality has paid any account under this Act.

SECTION 19. A county is given a right of recourse against the local municipality to which a boy or girl belongs to the extent of one-half of the charges paid by it in respect of such boy or girl under this Act.

SECTION 20. Contributions by the Province to private training schools are here provided for.

SECTION 21. This section provides for the wardship of boys and girls in training schools.

Supervision
after leaving
school.

(3) The Board shall exercise and maintain supervision over every boy and girl sent or admitted to a training school after the boy or girl leaves the training school and until the termination of the wardship of the training school, and shall keep such records and provide for such visits as may be prescribed by the regulations.

Placing out
of boys and
girls.

22. The Board and superintendent with the approval of the Minister, may permit any boy or girl upon leaving a training school, to live at a foster home or at the dwelling of any trustworthy and respectable person, and the control of the Board and superintendent shall not thereby be abated or diminished, and the municipality in which such boy or girl was resident at the time of admission to such school shall be liable in the same manner and amount as provided in section 15 for each actual day's stay of the boy or girl in such foster home or other dwelling.

Apprehen-
sion on
escape.

23.—(1) If a boy or girl sent to a training school escapes therefrom or neglects to attend thereat he may, at any time before the determination of wardship, be apprehended without warrant, and may be brought back to the school.

What to be
deemed an
"escape."

(2) If the boy or girl leaves the foster home or dwelling without the permission of the Board, or refuses to return to the training school, he shall be deemed to have escaped from the training school.

Penalties.

24.—(1) Every person who,—

- (a) aids or abets any boy or girl to escape from a training school;
- (b) knowingly makes, or procures to be made, any false statement in any return required under this Act; or
- (c) contravenes any of the provisions of this Act or the regulations;

shall be liable to a penalty of not more than \$100 or to imprisonment for a term of not exceeding three months or to both fine and imprisonment.

Recovery of
penalties.
Rev. Stat.,
c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Rules
governing
private
training
schools.

25. The officers of a society maintaining a private training school may, subject to the provisions of the regulations and the approval of the Minister, make such rules as they may deem necessary,—

SECTION 22. Provision is made for permitting the boys and girls upon leaving a training school to live in foster homes.

SECTION 23. Provision is made for the apprehension of boys and girls who have escaped from training schools.

SECTION 24. This section provides penalties for various violations of this Act.

SECTION 25. The officers of a society maintaining a private training school are permitted to make certain rules.

- (a) providing for the appointment of the superintendent and other officers and employees;
- (b) for the management and discipline of the training school; and
- (c) for the more efficient operation of the training school.

Regulations. **26.** Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) in regard to Ontario training schools,—
 - (i) providing for the appointment of superintendents and such officers and employees as he may deem necessary and for remuneration of such persons;
 - (ii) providing for the use in a training school of such products and articles as may be produced on the premises thereof and for the sale of any surplus products or articles that may be produced or manufactured on such premises; and
- (b) in regard to all training schools,—
 - (i) prescribing the powers and duties of the board;
 - (ii) prescribing the powers and duties of superintendents including the control which they may exercise over boys and girls;
 - (iii) fixing the age at which and conditions under which boys and girls may be admitted to training schools, the period during which they may be kept at training schools and the conditions under which they may leave or be discharged therefrom;
 - (iv) prescribing the type of mental, moral, physical and vocational education, training and employment to be provided and setting standards of instruction;
 - (v) regulating the conduct and discipline of boys and girls in training schools;
 - (vi) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;

SECTION 26. Provision is made for the making of regulations by the Lieutenant-Governor in Council upon the recommendation of the Minister.

(vii) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof; and

(viii) generally for the better carrying out of the provisions of this Act.

What to be
deemed
Ontario
training
schools and
private
training
schools.

27. From and after the date of the coming into force of this Act The Ontario Training School for Boys at Bowmanville and The Ontario Training School for Girls at Galt shall be Ontario training schools and St. John's Industrial School and St. Mary's Industrial School at Toronto and St. Joseph's Industrial School at Alfred shall be private training schools, and the provisions of this Act shall apply to the boys and girls therein as if they had severally been admitted thereto immediately after the coming into force of this Act.

Rev. Stat.,
cc. 363;
364, re-
pealed.

28. *The Industrial Schools Act* and *The Training Schools Act*, being chapters 363 and 364 of the Revised Statutes of Ontario, 1937, are repealed.

Short title.

29. This Act may be cited as *The Training Schools Act, 1939*.

SECTION 27. This section operates to bring institutions now operating under *The Training Schools Act* and *The Industrial Schools Act* under this Act and also to bring all the boys and girls in such institutions under the provisions of this Act.

BILL

The Training Schools Act, 1939.

1st Reading

March 22nd, 1939

2nd Reading

3rd Reading

MR. NIXON (Brant).

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Training Schools Act, 1939.

MR. NIXON (Brant).

BILL

The Training Schools Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

"Board."

- (a) "Board" shall mean The Training Schools Advisory Board;

"Depart-
ment."

- (b) "Department" shall mean the Department over which the Minister has charge;

"Foster
home."

- (c) "Foster home" shall include the dwelling of any trustworthy and respectable person where a boy or girl is permitted to live under section 22, a home or other institution maintained by any religious or charitable organization for the purpose, in whole or in part, of providing a home for boys or girls, or both, and any hospital connected therewith, and any other home, institution or place designated by the Board;

"Inspector."

- (d) "Inspector" shall mean such officer of the Department as may be designated by the Minister;

"Judge."

- (e) "Judge" shall mean judge of a county, district or juvenile court, or magistrate;

"Minister."

- (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Municipi-
pality."

- (g) "Municipality" shall mean county, city and separated town and in a provisional judicial district shall also mean a town and township having a population of 5,000 or over;

"Ontario
training
school."

- (h) "Ontario training school" shall mean a training school owned and operated by the Government of Ontario under this Act;

EXPLANATORY NOTES

GENERAL. This Act replaces the present *Industrial Schools Act* and *Training Schools Act*. It provides for two types of training schools, Ontario training schools operated and maintained by the Government of Ontario, and private training schools operated by religious societies, organizations or orders or by charitable or philanthropic organizations. Ontario training schools now under operation will continue as such and existing industrial schools will become private training schools.

SECTION 1. Various words used in the Act are defined. Many of the definitions are the same as those appearing in either *The Industrial Schools Act* or *The Training Schools Act*.

"Foster home," the meaning of which has caused some little difficulty in the past is defined so as to clarify its meaning.

"Ontario training school" and "private training school" are defined in accordance with the above explanation and "training school" is defined so as to include both Ontario training schools and private training schools.

"Society" is defined to include the classes or organizations which may be authorized to operate private training schools.

"Private training school."

- (i) "Private training school" shall mean a training school operated by a society under this Act;

"Regulations."

- (j) "Regulations" shall mean regulations made under the authority of this Act;

"Society."

- (k) "Society" shall mean religious society, organization or order or charitable or philanthropic organization;

"Superintendent."

- (l) "Superintendent" shall mean superintendent or other person in charge of a training school; and

"Training school."

- (m) "Training school" shall mean a training school established under this Act and shall include Ontario training school and private training school.

Purpose of training schools.

2.—(1) The purpose of a training school shall be to provide the boys or girls therein with a mental, moral, physical and vocational education, training and employment.

Gifts.

(2) Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school.

Establishment of training schools.

3.—(1) The Lieutenant-Governor in Council may provide for the establishment of Ontario training schools.

Name.

(2) Every training school established under this section shall bear the name "The Ontario Training School for Boys (or Girls)" followed by the name of the municipality where the school is located or the name of such other municipality as the Lieutenant-Governor in Council may designate.

Property vested in Crown.

(3) All real and personal property acquired by purchase, gift or otherwise pertaining to Ontario training schools shall be vested in the Crown represented therein by the Minister of Public Works.

Cost of establishing and maintaining.

(4) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as may be appropriated for such purpose by the Legislature and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund.

Private training schools.

4.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, authorize any society to establish and maintain a private training school, provided that, subject to the other provisions of this Act, any society so authorized shall be responsible for the maintenance in proper condition of such training school, its premises and

SECTION 2.—Subsection (1) The purpose of training schools is here set out.

Subsection (2) Municipal corporations, as well as associations, corporations and individuals, are permitted to make gifts to training schools.

SECTION 3.—Subsection (1) This is the provision which provides for the establishment of Ontario training schools.

Subsection (2) The names of Ontario training schools are provided for.

Subsection (3) All property pertaining to Ontario training schools is vested in the Crown.

Subsection (4) The cost of establishing and maintaining Ontario training schools is provided for.

SECTION 4.—Subsection (1) This provision permits the Lieutenant-Governor in Council, upon the recommendation of the Minister to authorize any society (as defined in section 1) to establish and maintain a private training school, and the obligation of any such society to maintain the training school in proper condition is here provided.

equipment, and the Lieutenant-Governor in Council may cancel any authority issued by him under this subsection for any reason which in his opinion warrants such cancellation.

Name.

(2) A private training school shall bear such name or other designation as may be approved by the Lieutenant-Governor in Council, but no such name or designation shall contain the phrase "Ontario Training School."

Approval of
site and
plan.

(3) A private training school shall not be erected, acquired or established until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given.

Granting or
leasing of
land.

(4) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for training school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust.

Training
Schools
Advisory
Board.

5.—(1) There shall be a board of five members to be known as "The Training Schools Advisory Board," the members of which shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure, and the Lieutenant-Governor in Council may designate one of the members to be chairman of the Board.

Secretary.

(2) The Minister may appoint a secretary for the Board.

Meetings.

(3) The Board shall meet at the call of the Minister or the chairman.

Board to
act in
advisory
capacity.

(4) The Board shall act in an advisory capacity to the Minister and when requested by him so to do shall consult with him as to the administration of this Act and of training schools.

Inspection
of training
schools.

(5) The Board shall by visiting, inspecting and otherwise investigating training schools, ascertain the condition thereof and of the boys and girls therein, particularly as to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, health, treatment, conduct and discipline and shall make such reports to the Minister as he may require together with any recommendations which it deems advisable.

Designating
foster home.

(6) The Board may designate any home, institution or other place as a foster home.

Subsection (2) The names which may be used by private training schools are here provided for.

Subsection (3) This subsection provides for the Minister's approval of the site and plans of a training school and prohibits any change therein without like approval.

Subsection (4) It is declared that a religious corporation may use for training school purposes any land which it may use for "religious, charitable or educational purposes."

SECTION 5.—Subsection (1) The Training Schools Advisory Board is established. It is a Board of five members appointed by the Lieutenant-Governor in Council.

Subsection (2) Self-explanatory.

Subsection (3) Self-explanatory.

Subsection (4) The advisory nature of the Board is indicated in this subsection.

Subsection (5) The general duties of the Board as to the inspection of training schools and of the boys and girls therein is set out.

Subsection (6) The Board is authorized to designate any home, institution or other place as a foster home for the purposes of the Act.

Allowance
to members
of Board.

(7) The members of the Board shall serve without remuneration, provided that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board.

Inspection
of schools.

6.—(1) Every training school shall be inspected by the inspector who shall have free access to all parts of the training school and the premises where it is located and to all books and records of such training school, and in the case of a private training school the inspector shall also have authority to inspect the books and records of the society maintaining such training school in so far as they relate to the training school.

Minister
may request
inspection
of training
school.

(2) The Minister may request any inspector or other officer or employee of any other department to conduct an inspection of any training school for any special purpose and for the purposes of such inspection, such inspector, officer or employee shall have the same powers as an inspector acting under subsection 1.

Reports of
inspections.

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister may require.

Certain
children
under 16
may be
brought
before judge.

7.—(1) Any person may bring before a judge any boy or girl apparently under the age of sixteen years who,—

- (a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;
- (b) is found wandering and has not any home or settled place of abode or proper guardianship;
- (c) is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;
- (d) is an habitual truant and whose parent or teacher represents that he is unable to control the boy or girl;
- (e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

Subsection (7) It is provided that members of the Board will serve without remuneration but provision is made for a per diem allowance and for the payment of travelling expenses.

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SECTION 7.—Subsection (1) The subsection provides for the bringing of any boy or girl apparently under the age of sixteen years before a Judge in the circumstances there set out.

- (f) has been accused or found guilty of petty crime; or
 (g) proves unmanageable or incorrigible.

Judge to
inquire into
truth of
facts
charged.

(2) No formal information shall be requisite, but the judge shall have the boy or girl brought before him and shall in the presence of the boy or girl take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof.

Hearing in
private.

(3) The judge shall hear all cases coming before him under this section in camera.

Judge may
order child
to school.

(4) If the judge is satisfied on inquiry that it is expedient to deal with the boy or girl under this Act, he shall make his order in writing that the boy or girl be sent to a training school.

Appeal to
Court of
Appeal.

(5) Any order made under this Act shall be subject to an appeal to the Court of Appeal and such appeal may be at the instance of any next friend.

Child under
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school.

8. Where under the authority of any Statute of Ontario or of any other Statute or law of Canada, any person is convicted of an offence punishable by imprisonment, and the judge before whom he is convicted is of opinion that such offender is under the age of sixteen years, the judge may direct him to be sent to a training school.

Copy of
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superintend-
ent.

9. The judge shall forward a copy of the evidence taken before him to the superintendent of the training school to which the boy or girl is sent and a copy to the Board, provided that where the evidence is unusually long he may send copies of a statement containing all facts relating to the boy or girl in lieu thereof.

Powers of
Minister.

10. The Minister may, at any time, order that a boy or girl,—

Rev. Stat.,
c. 312.

- (a) who has been made a ward of a children's aid society under the provisions of *The Children's Protection Act* or any other boy or girl one of whose parents or guardians consent thereto, unless there is no parent or guardian, and who in the opinion of the Minister is in need of the training and discipline offered by a training school shall be admitted to a training school;
- (b) be transferred from one training school to another or to any foster home; or
- (c) be discharged from a training school either absolutely or on such conditions as he may think fit;

Subsections (2), (3), and (4) These subsections provide for the hearing by the judge in camera and provide that the judge may send any such boy or girl to a training school where he deems it expedient.

Subsection (5) An appeal is provided from the judge.

SECTION 8. This section provides for the sending to a training school of any boy or girl apparently under the age of sixteen years, who has been convicted under any Statute of Ontario or Canada.

SECTION 9. The judge is required to send a copy of the evidence to the superintendent of the training school and a copy to the Board, but where the evidence is unusually long he may instead send copies of a statement containing all facts relating to the boy or girl.

SECTION 10. The powers of the Minister as to the admission, transfer and discharge of boys and girls to and from training schools are here prescribed.

and every such boy or girl shall be admitted, transferred or discharged accordingly.

Religion of
child to be
considered.

11. As far as practicable, a Roman Catholic boy or girl shall be sent to a training school maintained by a Roman Catholic society and a boy or girl of any other religious persuasion to an Ontario training school or a private training school other than one maintained by a Roman Catholic society.

Visits by
clergymen.

12. A clergyman of the religious persuasion to which a boy or girl appears to belong may visit the boy or girl at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by the regulations.

Transporta-
tion of
children to
school.

13.—(1) Every boy or girl sent to a training school shall where practicable be taken to the school by an agent or member of a children's aid society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance.

Expenses
in a provi-
sional
judicial
district.

(2) The expenses of conveying any boy or girl to a training school from any part of a provisional judicial district not included in a city or separated town or in a town or township having a population of 5,000 or over, shall be payable out of any money appropriated for the administration of justice in provisional judicial districts.

School to be
designated
in order.

14.—(1) The judge or Minister shall in his order sending or admitting a boy or girl to a training school, designate the school to which the boy or girl is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the boy or girl, as well as the religious persuasion and the municipality liable for maintenance.

When order
to be
binding.

(2) A copy of the order shall be forwarded by registered post to the clerk of the municipality declared liable for maintenance and unless within one month of the mailing thereof the corporation of such municipality applies to the Minister, in cases where the order was made by the Minister, and in other cases to the judge making the order, or to the judge of the division court of the division in which the parent, step-parent or guardian of the boy or girl resides, to vary such order by having some other municipality declared liable for the maintenance of the boy or girl, the corporation shall subject to the provisions of sections 17 and 18 be estopped from denying liability thereunder.

Liability of
municipal-
ity.

15.—(1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the

SECTIONS 11 and 12. These sections deal with the religion of boys and girls. They provide that a Roman Catholic boy or girl shall be sent to a Roman Catholic training school and they also provide for the admission to a training school of clergymen of the religious persuasions of the boys and girls therein.

SECTION 13. This section provides for conveying boys and girls to training schools.

SECTION 14.—Subsection (1) The matters to be set out in an order of the judge or Minister sending or admitting a boy or girl to a training school are here prescribed.

Subsection (2) A copy of an order sending or admitting a boy or girl to a training school shall be sent to the clerk of the municipality declared liable for maintenance and unless an application is made as provided by this section that municipality is estopped from denying liability.

SECTION 15. The liability of a municipality for the maintenance of a boy or girl, who belongs to such a municipality, in a training school is established by this section and subsections (2), (3), (4) and (5) indicate the manner in which the municipality to which a boy or girl belongs shall be determined.

municipality to which the boy or girl belong shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of fifty cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the boy or girl in the training school.

Where boy
or girl
belongs.

(2) For the purposes of this section, a boy or girl shall be deemed to belong to the municipality in which such boy or girl has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the municipality in which the boy or girl was taken into custody shall be presumed.

Where
mother's
residence
taken.

(3) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which the boy's or girl's mother has last resided for one year shall be deemed liable for maintenance.

Periods to
be excluded
in fixing
time.

(4) In the computation of the time in subsections 2 and 3, the time during which the boy or girl, or the mother of such boy or girl, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

Other
cases.

(5) In all other cases, the judge shall determine the municipality to which the boy or girl belongs.

Statements
of account
to be
rendered.

16. When under this Act the charges for any boy or girl in a training school are payable by a municipality, the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
proper
municipal-
ity.

17. Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that such boy or girl was not a resident therein but at the time of admission to a training school was a resident in another municipality in Ontario, the municipality which made the payment may recover the amount thereof as a debt from the municipality in which such boy or girl was a resident and

SECTION 16. The superintendent is required to send statements respecting the maintenance of boys and girls to the municipalities to which such boys and girls belong.

SECTION 17. A municipality which has paid the charges of a boy or girl who does not belong to such a municipality is here given a right of recourse against the municipality to which the boy or girl belongs.

upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 18.

Municipal
right of
recourse.

18. Upon payment by a municipality of any account rendered to it under this Act, such municipality may recover from any person liable in law in respect to such boy or girl, the amount of the payment so made, and such amount may be recovered as a debt in any court of competent jurisdiction.

County's
right to
contribution.

19. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county, in which such boy or girl was a resident at the time of admission to a training school.

Contribu-
tion from
Province to
private
schools.

20.—(1) The sum of fifty cents per day and in the case of a boy or girl belonging to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of seventy-five cents per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose.

How amount
to be calcu-
lated.

(2) In calculating the amount of aid to be so given, the day of departure of any boy or girl from such institution shall be included.

How grant
to be
payable.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the inspector approved by the Minister.

School
wardship
over boys
and girls.

21.—(1) Every boy or girl sent or admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and, subject to the provisions of the regulations, shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by Statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school.

Restoration
of other
wardship.

(2) When the Minister provides that the wardship of the training school shall cease, the boy or girl shall thereupon become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

SECTION 18. Municipalities are given a right of recourse against persons liable in law for the maintenance of any boy or girl in respect of which the municipality has paid any account under this Act.

SECTION 19. A county is given a right of recourse against the local municipality to which a boy or girl belongs to the extent of one-half of the charges paid by it in respect of such boy or girl under this Act.

SECTION 20. Contributions by the Province to private training schools are here provided for.

SECTION 21. This section provides for the wardship of boys and girls in training schools.

Supervision
after leaving
school.

(3) The Board shall exercise and maintain supervision over every boy and girl sent or admitted to a training school after the boy or girl leaves the training school and until the termination of the wardship of the training school, and shall keep such records and provide for such visits as may be prescribed by the regulations.

Placing out
of boys and
girls.

22. The Board and superintendent with the approval of the Minister, may permit any boy or girl upon leaving a training school, to live at a foster home or at the dwelling of any trustworthy and respectable person, and the control of the Board and superintendent shall not thereby be abated or diminished, and the municipality in which such boy or girl was resident at the time of admission to such school shall be liable in the same manner and amount as provided in section 15 for each actual day's stay of the boy or girl in such foster home or other dwelling.

Apprehen-
sion on
escape.

23.—(1) If a boy or girl sent to a training school escapes therefrom or neglects to attend thereat he may, at any time before the determination of wardship, be apprehended without warrant, and may be brought back to the school.

What to be
deemed an
"escape."

(2) If the boy or girl leaves the foster home or dwelling without the permission of the Board, or refuses to return to the training school, he shall be deemed to have escaped from the training school.

Penalties.

24.—(1) Every person who,—

- (a) aids or abets any boy or girl to escape from a training school;
- (b) knowingly makes, or procures to be made, any false statement in any return required under this Act; or
- (c) contravenes any of the provisions of this Act or the regulations;

shall be liable to a penalty of not more than \$100 or to imprisonment for a term of not exceeding three months or to both fine and imprisonment.

Recovery of
penalties.
Rev. Stat.,
c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Rules
governing
private
training
schools.

25. The officers of a society maintaining a private training school may, subject to the provisions of the regulations and the approval of the Minister, make such rules as they may deem necessary,—

SECTION 22. Provision is made for permitting the boys and girls upon leaving a training school to live in foster homes.

SECTION 23. Provision is made for the apprehension of boys and girls who have escaped from training schools.

SECTION 24. This section provides penalties for various violations of this Act.

SECTION 25. The officers of a society maintaining a private training school are permitted to make certain rules.

- (a) providing for the appointment of the superintendent and other officers and employees;
- (b) for the management and discipline of the training school; and
- (c) for the more efficient operation of the training school.

Regulations. **26.** Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) in regard to Ontario training schools,—
 - (i) providing for the appointment of superintendents and such officers and employees as he may deem necessary and for remuneration of such persons;
 - (ii) providing for the use in a training school of such products and articles as may be produced on the premises thereof and for the sale of any surplus products or articles that may be produced or manufactured on such premises; and
- (b) in regard to all training schools,—
 - (i) prescribing the powers and duties of the board;
 - (ii) prescribing the powers and duties of superintendents including the control which they may exercise over boys and girls;
 - (iii) fixing the age at which and conditions under which boys and girls may be admitted to training schools, the period during which they may be kept at training schools and the conditions under which they may leave or be discharged therefrom;
 - (iv) prescribing the type of mental, moral, physical and vocational education, training and employment to be provided and setting standards of instruction;
 - (v) regulating the conduct and discipline of boys and girls in training schools;
 - (vi) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;

SECTION 26. Provision is made for the making of regulations by the Lieutenant-Governor in Council upon the recommendation of the Minister.

(vii) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof; and

(viii) generally for the better carrying out of the provisions of this Act.

What to be
deemed
Ontario
training
schools and
private
training
schools.

27. From and after the date of the coming into force of this Act The Ontario Training School for Boys at Bowmanville and The Ontario Training School for Girls at Galt shall be Ontario training schools and St. John's Industrial School and St. Mary's Industrial School at Toronto and St. Joseph's Industrial School at Alfred shall be private training schools, and the provisions of this Act shall apply to the boys and girls therein as if they had severally been admitted thereto immediately after the coming into force of this Act.

Rev. Stat.,
cc. 363,
364, re-
pealed.

28. *The Industrial Schools Act* and *The Training Schools Act*, being chapters 363 and 364 of the Revised Statutes of Ontario, 1937, are repealed.

Short title.

29. This Act may be cited as *The Training Schools Act, 1939*.

SECTION 27. This section operates to bring institutions now operating under *The Training Schools Act* and *The Industrial Schools Act* under this Act and also to bring all the boys and girls in such institutions under the provisions of this Act.

The Training Schools Act, 1939.

1st Reading

March 22nd, 1939

2nd Reading

April 3rd, 1939

3rd Reading

MR. NIXON (Brant).

(Reprinted as amended in Committee of the
Whole House.)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Training Schools Act, 1939.

MR. NIXON (Brant).

BILL

The Training Schools Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

“Board.”

- (a) “Board” shall mean The Training Schools Advisory Board;

“Depart-
ment.”

- (b) “Department” shall mean the Department over which the Minister has charge;

“Foster
home.”

- (c) “Foster home” shall include the dwelling of any trustworthy and respectable person where a boy or girl is permitted to live under section 22, a home or other institution maintained by any religious or charitable organization for the purpose, in whole or in part, of providing a home for boys or girls, or both, and any hospital connected therewith, and any other home, institution or place designated by the Board;

“Inspector.”

- (d) “Inspector” shall mean such officer of the Department as may be designated by the Minister;

“Judge.”

- (e) “Judge” shall mean judge of a county, district or juvenile court, or magistrate;

“Minister.”

- (f) “Minister” shall mean the member of the Executive Council charged for the time being with the administration of this Act;

“Municipality.”

- (g) “Municipality” shall mean county, city and separated town and in a provisional judicial district shall also mean a town and township having a population of 5,000 or over;

“Ontario
training
school.”

- (h) “Ontario training school” shall mean a training school owned and operated by the Government of Ontario under this Act;

- (i) "Private training school" shall mean a training school operated by a society under this Act; "Private training school."
- (j) "Regulations" shall mean regulations made under the authority of this Act; "Regulations."
- (k) "Society" shall mean religious society, organization or order or charitable or philanthropic organization; "Society."
- (l) "Superintendent" shall mean superintendent or other person in charge of a training school; and "Superintendent."
- (m) "Training school" shall mean a training school established under this Act and shall include Ontario training school and private training school. "Training school."

2.—(1) The purpose of a training school shall be to provide the boys or girls therein with a mental, moral, physical and vocational education, training and employment. Purpose of training schools.

(2) Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school. Gifts.

3.—(1) The Lieutenant-Governor in Council may provide for the establishment of Ontario training schools. Establishment of training schools.

(2) Every training school established under this section shall bear the name "The Ontario Training School for Boys (or Girls)" followed by the name of the municipality where the school is located or the name of such other municipality as the Lieutenant-Governor in Council may designate. Name.

(3) All real and personal property acquired by purchase, gift or otherwise pertaining to Ontario training schools shall be vested in the Crown represented therein by the Minister of Public Works. Property vested in Crown.

(4) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as may be appropriated for such purpose by the Legislature and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund. Cost of establishing and maintaining.

4.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, authorize any society to establish and maintain a private training school, provided that, subject to the other provisions of this Act, any society so authorized shall be responsible for the maintenance in proper condition of such training school, its premises and Private training schools.

equipment, and the Lieutenant-Governor in Council may cancel any authority issued by him under this subsection for any reason which in his opinion warrants such cancellation.

Name.

(2) A private training school shall bear such name or other designation as may be approved by the Lieutenant-Governor in Council, but no such name or designation shall contain the phrase "Ontario Training School."

Approval of
site and
plan.

(3) A private training school shall not be erected, acquired or established until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given.

Granting or
leasing of
land.

(4) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for training school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust.

Training
Schools
Advisory
Board.

5.—(1) There shall be a board of five members to be known as "The Training Schools Advisory Board," the members of which shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure, and the Lieutenant-Governor in Council may designate one of the members to be chairman of the Board.

Secretary.

(2) The Minister may appoint a secretary for the Board.

Meetings.

(3) The Board shall meet at the call of the Minister or the chairman.

Board to
act in
advisory
capacity.

(4) The Board shall act in an advisory capacity to the Minister and when requested by him so to do shall consult with him as to the administration of this Act and of training schools.

Inspection
of training
schools.

(5) The Board shall by visiting, inspecting and otherwise investigating training schools, ascertain the condition thereof and of the boys and girls therein, particularly as to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, health, treatment, conduct and discipline and shall make such reports to the Minister as he may require together with any recommendations which it deems advisable.

Designating
foster home.

(6) The Board may designate any home, institution or other place as a foster home.

(7) The members of the Board shall serve without remuneration, provided that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board.

Allowance
to members
of Board.

6.—(1) Every training school shall be inspected by the inspector who shall have free access to all parts of the training school and the premises where it is located and to all books and records of such training school, and in the case of a private training school the inspector shall also have authority to inspect the books and records of the society maintaining such training school in so far as they relate to the training school.

Inspection
of schools.

(2) The Minister may request any inspector or other officer or employee of any other department to conduct an inspection of any training school for any special purpose and for the purposes of such inspection, such inspector, officer or employee shall have the same powers as an inspector acting under subsection 1.

Minister
may request
inspection
of training
school.

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister may require.

Reports of
inspections.

7.—(1) Any person may bring before a judge any boy or girl apparently under the age of sixteen years who,—

Certain
children
under 16
may be
brought
before judge.

(a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

(b) is found wandering and has not any home or settled place of abode or proper guardianship;

(c) is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;

(d) is an habitual truant and whose parent or teacher represents that he is unable to control the boy or girl;

(e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

- (f) has been accused or found guilty of petty crime; or
- (g) proves unmanageable or incorrigible.

Judge to
inquire into
truth of
facts
charged.

(2) No formal information shall be requisite, but the judge shall have the boy or girl brought before him and shall in the presence of the boy or girl take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof.

Hearing in
private.

(3) The judge shall hear all cases coming before him under this section in camera.

Judge may
order child
to school.

(4) If the judge is satisfied on inquiry that it is expedient to deal with the boy or girl under this Act, he shall make his order in writing that the boy or girl be sent to a training school.

Appeal to
Court of
Appeal.

(5) Any order made under this Act shall be subject to an appeal to the Court of Appeal and such appeal may be at the instance of any next friend.

Child under
16 may be
sent to
training
school.

8. Where under the authority of any Statute of Ontario or of any other Statute or law of Canada, any person is convicted of an offence punishable by imprisonment, and the judge before whom he is convicted is of opinion that such offender is under the age of sixteen years, the judge may direct him to be sent to a training school.

Copy of
evidence to
be sent to
superintend-
ent.

9. The judge shall forward a copy of the evidence taken before him to the superintendent of the training school to which the boy or girl is sent and a copy to the Board, provided that where the evidence is unusually long he may send copies of a statement containing all facts relating to the boy or girl in lieu thereof.

Powers of
Minister.

10. The Minister may, at any time, order that a boy or girl,—

Rev. Stat.,
c. 312.

(a) who has been made a ward of a children's aid society under the provisions of *The Children's Protection Act* or any other boy or girl one of whose parents or guardians consent thereto, unless there is no parent or guardian, and who in the opinion of the Minister is in need of the training and discipline offered by a training school shall be admitted to a training school;

(b) be transferred from one training school to another or to any foster home; or

(c) be discharged from a training school either absolutely or on such conditions as he may think fit;

and every such boy or girl shall be admitted, transferred or discharged accordingly.

11. As far as practicable, a Roman Catholic boy or girl shall be sent to a training school maintained by a Roman Catholic society and a boy or girl of any other religious persuasion to an Ontario training school or a private training school other than one maintained by a Roman Catholic society.

Religion of child to be considered.

12. A clergyman of the religious persuasion to which a boy or girl appears to belong may visit the boy or girl at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by the regulations.

Visits by clergymen.

13.—(1) Every boy or girl sent to a training school shall where practicable be taken to the school by an agent or member of a children's aid society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance.

Transportation of children to school.

(2) The expenses of conveying any boy or girl to a training school from any part of a provisional judicial district not included in a city or separated town or in a town or township having a population of 5,000 or over, shall be payable out of any money appropriated for the administration of justice in provisional judicial districts.

Expenses in a provisional judicial district.

14.—(1) The judge or Minister shall in his order sending or admitting a boy or girl to a training school, designate the school to which the boy or girl is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the boy or girl, as well as the religious persuasion and the municipality liable for maintenance.

School to be designated in order.

(2) A copy of the order shall be forwarded by registered post to the clerk of the municipality declared liable for maintenance and unless within one month of the mailing thereof the corporation of such municipality applies to the Minister, in cases where the order was made by the Minister, and in other cases to the judge making the order, or to the judge of the division court of the division in which the parent, step-parent or guardian of the boy or girl resides, to vary such order by having some other municipality declared liable for the maintenance of the boy or girl, the corporation shall subject to the provisions of sections 17 and 18 be estopped from denying liability thereunder.

When order to be binding.

15.—(1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the

Liability of municipality.

municipality to which the boy or girl belongs shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of fifty cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the boy or girl in the training school.

Where boy
or girl
belongs.

(2) For the purposes of this section, a boy or girl shall be deemed to belong to the municipality in which such boy or girl has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the municipality in which the boy or girl was taken into custody shall be presumed.

Where
mother's
residence
taken.

(3) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which the boy's or girl's mother has last resided for one year shall be deemed liable for maintenance.

Periods to
be excluded
in fixing
time.

(4) In the computation of the time in subsections 2 and 3, the time during which the boy or girl, or the mother of such boy or girl, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

Other
cases.

(5) In all other cases, the judge shall determine the municipality to which the boy or girl belongs.

Statements
of account
to be
rendered.

16. When under this Act the charges for any boy or girl in a training school are payable by a municipality, the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
proper
municipal-
ity.

17. Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that such boy or girl was not a resident therein but at the time of admission to a training school was a resident in another municipality in Ontario, the municipality which made the payment may recover the amount thereof as a debt from the municipality in which such boy or girl was a resident and

upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 18.

18. Upon payment by a municipality of any account rendered to it under this Act, such municipality may recover from any person liable in law in respect to such boy or girl, the amount of the payment so made, and such amount may be recovered as a debt in any court of competent jurisdiction. Municipal right of recourse.

19. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county, in which such boy or girl was a resident at the time of admission to a training school. County's right to contribution.

20.—(1) The sum of fifty cents per day and in the case of a boy or girl belonging to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of seventy-five cents per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose. Contribution from Province to private schools.

(2) In calculating the amount of aid to be so given, the day of departure of any boy or girl from such institution shall be included. How amount to be calculated.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the inspector approved by the Minister. How grant to be payable.

21.—(1) Every boy or girl sent or admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and, subject to the provisions of the regulations, shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by Statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school. School wardship over boys and girls.

(2) When the Minister provides that the wardship of the training school shall cease, the boy or girl shall thereupon become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian. Restoration of other wardship.

Supervision
after leaving
school.

(3) The Board shall exercise and maintain supervision over every boy and girl sent or admitted to a training school after the boy or girl leaves the training school and until the termination of the wardship of the training school, and shall keep such records and provide for such visits as may be prescribed by the regulations.

Placing out
of boys and
girls.

22. The Board and superintendent with the approval of the Minister, may permit any boy or girl upon leaving a training school, to live at a foster home or at the dwelling of any trustworthy and respectable person, and the control of the Board and superintendent shall not thereby be abated or diminished, and the municipality in which such boy or girl was resident at the time of admission to such school shall be liable in the same manner and amount as provided in section 15 for each actual day's stay of the boy or girl in such foster home or other dwelling.

Apprehen-
sion on
escape.

23.—(1) If a boy or girl sent to a training school escapes therefrom or neglects to attend thereat he may, at any time before the determination of wardship, be apprehended without warrant, and may be brought back to the school.

What to be
deemed an
"escape."

(2) If the boy or girl leaves the foster home or dwelling without the permission of the Board, or refuses to return to the training school, he shall be deemed to have escaped from the training school.

Penalties.

24.—(1) Every person who,—

- (a) aids or abets any boy or girl to escape from a training school;
- (b) knowingly makes, or procures to be made, any false statement in any return required under this Act; or
- (c) contravenes any of the provisions of this Act or the regulations;

shall be liable to a penalty of not more than \$100 or to imprisonment for a term of not exceeding three months or to both fine and imprisonment.

Recovery of
penalties.
Rev. Stat.,
c. 136.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Rules
governing
private
training
schools.

25. The officers of a society maintaining a private training school may, subject to the provisions of the regulations and the approval of the Minister, make such rules as they may deem necessary,—

- (a) providing for the appointment of the superintendent and other officers and employees;
- (b) for the management and discipline of the training school; and
- (c) for the more efficient operation of the training school.

26. Subject to the approval of the Lieutenant-Governor Regulations in Council, the Minister may make regulations,—

- (a) in regard to Ontario training schools,—
 - (i) providing for the appointment of superintendents and such officers and employees as he may deem necessary and for remuneration of such persons;
 - (ii) providing for the use in a training school of such products and articles as may be produced on the premises thereof and for the sale of any surplus products or articles that may be produced or manufactured on such premises; and
- (b) in regard to all training schools,—
 - (i) prescribing the powers and duties of the board;
 - (ii) prescribing the powers and duties of superintendents including the control which they may exercise over boys and girls;
 - (iii) fixing the age at which and conditions under which boys and girls may be admitted to training schools, the period during which they may be kept at training schools and the conditions under which they may leave or be discharged therefrom;
 - (iv) prescribing the type of mental, moral, physical and vocational education, training and employment to be provided and setting standards of instruction;
 - (v) regulating the conduct and discipline of boys and girls in training schools;
 - (vi) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;

(vii) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof; and

(viii) generally for the better carrying out of the provisions of this Act.

What to be
deemed
Ontario
training
schools and
private
training
schools.

27. From and after the date of the coming into force of this Act The Ontario Training School for Boys at Bowmanville and The Ontario Training School for Girls at Galt shall be Ontario training schools and St. John's Industrial School and St. Mary's Industrial School at Toronto and St. Joseph's Industrial School at Alfred shall be private training schools, and the provisions of this Act shall apply to the boys and girls therein as if they had severally been admitted thereto immediately after the coming into force of this Act.

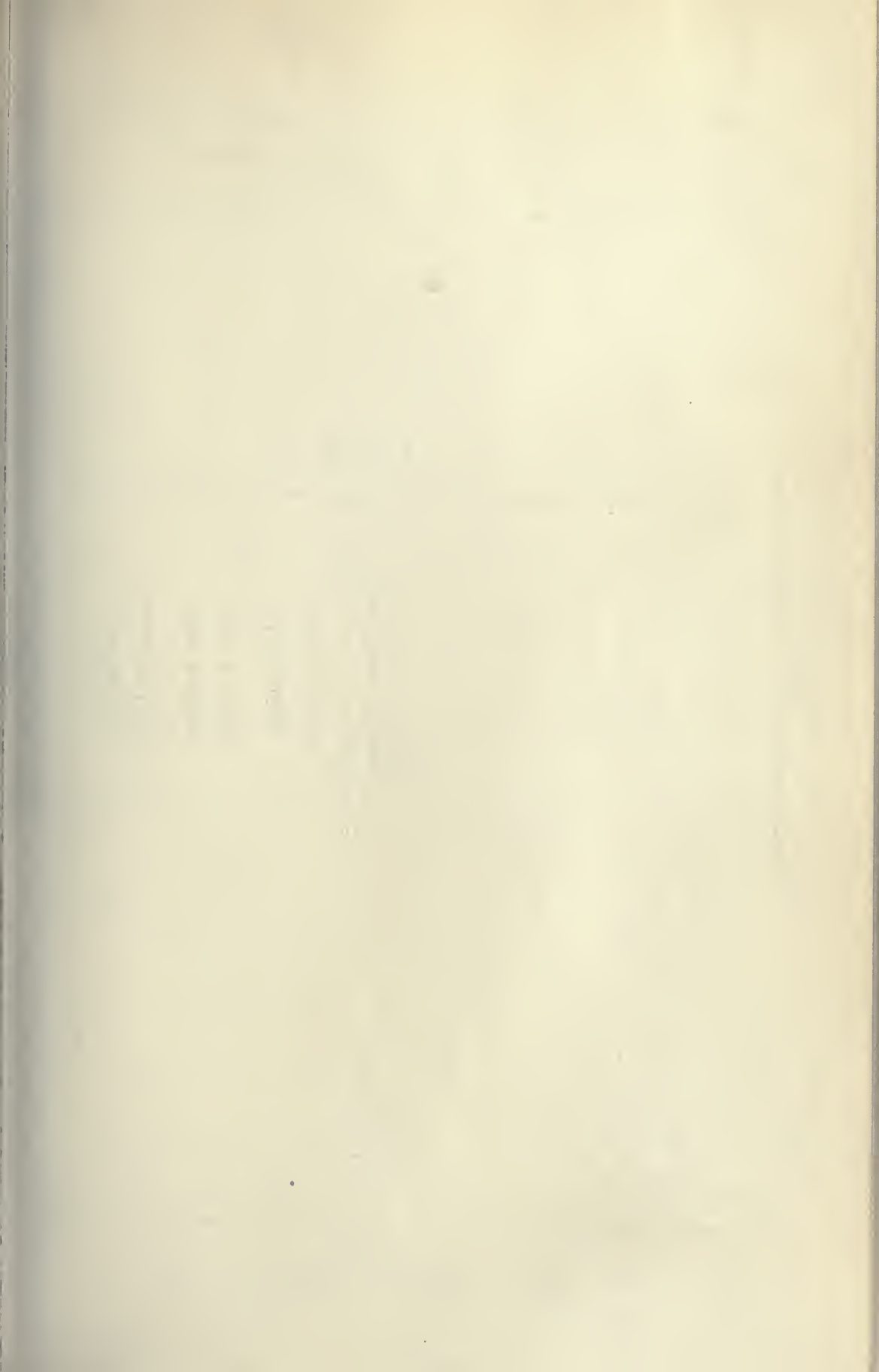
Rev. Stat.,
cc. 363,
364, re-
pealed.

28. *The Industrial Schools Act* and *The Training Schools Act*, being chapters 363 and 364 of the Revised Statutes of Ontario, 1937, are repealed.

Short title.

29. This Act may be cited as *The Training Schools Act, 1939*.





BILL

The Training Schools Act, 1939.

1st Reading

March 22nd, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 14th, 1939

Mr. NIXON (Brant).

No. 53

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Sanatoria for Consumptives Act.

MR. KIRBY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Sanatoria for Consumptives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 395, s. 1,
cls. *d*, *g*, *i*,
repealed;
cls. *e*, *f*;
ff, *fff*.
(1938, c. 34,
s. 2, subs. 1);
h re-enacted.

1.—(1) Section 1 of *The Sanatoria for Consumptives Act* is amended by striking out clauses *d*, *e* and *f*, clauses *ff* and *fff* as enacted by subsection 1 of section 2 of *The Sanatoria for Consumptives Amendment Act*, 1938, and clauses *g*, *h* and *i* of the said section and inserting in lieu thereof the following clauses:

"Inspector."

(*d*) "Inspector" shall mean an officer of the Department designated under this Act as an inspector;

"Local
board."
Rev. Stat.,
c. 299.

(*e*) "Local board" shall mean a local board of health established under *The Public Health Act*;

"Local
municipality."

(*f*) "Local municipality" shall mean a city, a town, a village and a township;

"Medical
officer of
health."

(*g*) "Medical officer of health" shall mean a medical officer of health appointed under *The Public Health Act* or any person having the powers thereof;

"Minister."

(*h*) "Minister" shall mean the member of the Executive council charged for the time being with the administration of this Act;

"Patient."

(*i*) "Patient" shall mean a person admitted to a sanatorium for the purpose of treatment.

Rev. Stat.,
c. 395, s. 1,
cl. *l*,
amended.

(2) Clause *l* of the said section 1, as amended by subsection 2 of section 2 of *The Sanatoria for Consumptives Amendment Act*, 1938, is further amended by inserting before the word "municipality" in the second line the word "local," so that the said clause shall now read as follows:

EXPLANATORY NOTES

SECTION 1.—(1) Repeals clauses defining certain terms which are no longer used in the Act and adds a definition of "medical officer of health."

SECTION 1.—(2) Amends the definition of "resident."

"Resident."

- (l) "Resident" shall mean a person who has actually resided in a local municipality for the period of three months within the six months next prior to admission to a sanatorium.

Rev. Stat.,
c. 395, s. 1,
cl. m,
amended.

- (3) Clause *m* of the said section 1 is amended by striking out the word "preventorium" in the second line, so that the said clause shall now read as follows:

"Sanatorium."

- (m) "Sanatorium" shall mean and include any sanatorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients.

Rev. Stat.,
c. 395, s. 1,
cl. p, re-
enacted.

- (4) Clause *p* of the said section 1 is repealed and the following substituted therefor:

"Treatment."

- (p) "Treatment" shall mean the stay, maintenance, observation, care, nursing and treatment of a patient who has or is suspected of having tuberculous disease.

Rev. Stat.,
c. 395, s. 4,
amended.

2. Section 4 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "regulations" in the fourth line the word "not," so that the said section shall now read as follows:

Enforcement
of Act.

4. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act, and the regulations, and the Department may, from time to time, declare all or any of the regulations not to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as the Department may deem expedient.

Rev. Stat.,
c. 395, s. 6,
amended.

3. Section 6 of *The Sanatoria for Consumptives Act* is amended by striking out the words "heretofore passed" in the fifth line, so that the said section shall now read as follows:

Powers of
sanatorium.

6. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Rev. Stat.,
c. 395, s. 32,
amended.

4. Section 32 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "Act" in the first line

SECTION 1.—(3) Amends the definition of "sanatorium."

SECTION 1.—(4) Amends the definition of "treatment."

SECTION 2. Clarifies the meaning of section 4 of the Act.

SECTION 3. Section 6 of the Act will apply to hospitals established by a special Act enacted after *The Public Hospitals Act*.

SECTION 4. The provisions of section 32 of the Act will be subject to the regulations.

the words "or the regulations," so that the said section shall now read as follows:

Sanatorium
to admit
patients.

32. Except as may otherwise be provided in this Act or the regulations, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment.

Rev. Stat.,
c. 395, s. 33,
repealed.

5. Section 33 of *The Sanatoria for Consumptives Act* is repealed.

Rev. Stat.,
c. 395, s. 39,
amended.

6. Section 39 of *The Sanatoria for Consumptives Act* is amended by striking out the words "or a dependant of an indigent person" in the second line and by inserting after the word "that" in the third line the word "local," so that the said section shall now read as follows:

Burial
expenses.

39. In the event of the death in a sanatorium of any patient who is an indigent person that local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30.

Rev. Stat.,
c. 395, s. 43,
amended.

7. Section 43 of *The Sanatoria for Consumptives Act*, as amended by section 6 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by inserting before the word "municipality" in the second line the word "local," and by striking out the words "being infected or likely or suspected of being infected with tuberculosis" in the second and third lines of clause *b* and inserting in lieu thereof the words "having or suspected of having tuberculous disease," so that the first two lines of the said section and clause *b* shall now read as follows:

Cases where
residence not
presumed.

43. For the purpose of this Act, no patient shall be deemed to be a resident in a local municipality,—

.

Health
seekers in
the districts.

- (*b*) if the municipality is in a territorial district, and such patient having or suspected of having tuberculous disease has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

.

SECTION 5. Self-explanatory.

SECTION 6. Repeals the provision regarding a dependant.

The local municipality becomes liable for burial expenses of patients in sanatoria instead of the county as heretofore.

SECTION 7. The amendment provides that hereafter the provisions of section 43 will apply to a local municipality.

The amendment in Clause *b* of section 43 of the Act changes the description of a patient having or suspected of having tuberculosis.

Rev. Stat.,
c. 395, s. 46,
amended.

8.—(1) Section 46 of *The Sanatoria for Consumptives Act*, as amended by section 8 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by inserting before the word "municipality" where it occurs in the third line and in the words added by the amendment of 1938 respectively, the word "local," so that the said section shall now read as follows:

Statements
of account
to be
rendered.

46. When under this Act the burial expenses of a deceased patient are payable by a local municipality, the sanatorium to which such patient was admitted shall render to the clerk of the local municipality a statement of account of any such expenses with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,
c. 395, s. 46,
amended.

(2) The said section 46 is further amended by adding thereto the following subsection:

Right of
recovery.

(2) Upon payment by a local municipality of any expenses of burial of a deceased patient, the local municipality may recover one-half of such expenses from the county if such local municipality is part of the county for municipal purposes.

Rev. Stat.,
c. 395, s. 47,
re-enacted.

9. Section 47 of *The Sanatoria for Consumptives Act*, as amended by section 9 of *The Sanatoria for Consumptives Amendment Act, 1938*, is repealed and the following substituted therefor:

Municipal
recourse
against
estate of
patient.

47. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient, such local municipality or county may recover from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,
c. 395, s. 48,
re-enacted.

10. Section 48 of *The Sanatoria for Consumptives Act*, as amended by section 10 of *The Sanatoria for Consumptives Amendment Act, 1938*, is repealed and the following substituted therefor:

Municipal
recourse
against
proper muni-
cipality.

48. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient by reason of such patient having been assumed to be a resident in such local municipality and it being ascertained that such patient was not a resident

SECTION 8.—(1) Provides that the accounts referred to in section 46 of the Act shall be sent to the local municipality.

SECTION 8.—(2) A local municipality which pays the burial expenses of a deceased patient in a sanatorium may recover one-half from the county.

SECTION 9. A local municipality or county which pays any burial expenses may recover from the persons mentioned in the section.

SECTION 10. A local municipality or county which pays any burial expenses may recover from the local municipality or county in which the patient was a resident.

therein, but at the time of admission to the sanatorium was a resident in another local municipality in Ontario, the local municipality or county which made the said payment may recover the amount thereof as a debt from the local municipality in which such patient was a resident and upon payment by that local municipality, it shall be entitled to exercise the rights of recovery conferred under section 47.

Rev. Stat.,
c. 395, s. 50,
subss. 1, 2,
(1938, c. 34,
s. 11)
re-enacted.

11.—(1) Subsections 1 and 2 of section 50 of *The Sanatoria for Consumptives Act* as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, are repealed and the following substituted therefor:

Notice that
patient
recovered.

- (1) The superintendent of a sanatorium shall, and an inspector may give notice in writing to the local board of any local municipality that any patient who was a resident in such municipality at the time of admission to the sanatorium has recovered to such an extent that such patient may receive care or treatment outside the sanatorium.

Local board
to inves-
tigate.

- (2) Upon receiving such notice the local board shall furnish to or for any patient who is indigent the expenses of,—

- (a) transportation from the sanatorium to the place of residence of the patient;
- (b) proper living accommodation, food, clothing and any other necessities of life required by the patient; and
- (c) any special treatment for tuberculosis and transportation to and from any place at which such special treatment is available;

or of such of those things and services as he is unable to furnish himself.

Rev. Stat.,
c. 395, s. 50,
subs. 3
(1938, c. 34,
s. 11)
amended.

(2) Subsection 3 of the said section 50 as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, is amended by striking out the words "receiving the notice referred to in subsection 1" in the third and fourth lines and inserting in lieu thereof the words "such notice has been sent to the local board," and by adding at the end thereof the words "commencing thirty days after such notice has been sent to the local board," so that the said subsection shall now read as follows:

SECTION 11.—(1)—

Section 50 (1) of the Act re-enacted.

Refers to the notice given by the superintendent of a sanatorium to the local board that any patient has recovered.

Section 50 (2) of the Act re-enacted.

This clarifies the responsibility of the local board upon receiving the notice referred to in section 50 (1) of the Act.

SECTION 11.—(2)—

Amends section 50 (3) of the Act relating to the penalty for failure of a local board to comply with section 50 (2) of the Act.

Failure of
local board
to comply
with pro-
visions of
subs. 2.

- (3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after such notice has been sent to the local board, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations commencing thirty days after such notice has been sent to the local board.

Rev. Stat.,
c. 395, s. 50
(1938, c. 34,
s. 11)
amended.

- (3) The said section 50 as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by adding thereto the following subsections:

Where
patient
proceeds
to other
municipality.

- (4) If any patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was a resident at the time of his admission to a sanatorium, the first named local municipality shall provide for such patient the things mentioned in subsection 2 if the patient is indigent but may recover any expenses so incurred from the local municipality in which the patient was a resident at the time of his admission to a sanatorium.

Recovery
from
county.

- (5) If a local municipality is part of the county for municipal purposes, such local municipality shall be entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 4.

Rev. Stat.,
c. 395,
amended.

- 12.** *The Sanatoria for Consumptives Act* is amended by adding thereto the following sections:

Medical
officer may
require
examination.

- 54.—(1) Any medical officer of health may, with the approval of an inspector, require any person who is resident in the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis, to submit to such examination for tuberculosis as the medical officer of health shall direct.

Notice.

- (2) In requiring any person to submit to an examination under this section, the medical officer of health shall serve such person, or in the case of an infant, the parent or guardian of the infant, with a notice in writing signed by the medical officer of health and by an inspector, specifying the nature, time and place of the examination.

SECTION 11.—(3)—

Section 50 (4) of the Act.

Fixes responsibility for a patient who changes his municipal residence after discharge from a sanatorium.

Section 50 (5) of the Act.

A local municipality which furnishes any expenses for a discharged patient may recover one-half of any money so expended from the county.

SECTION 12.

Section 54 (1) of the Act.

The medical officer of health may with the approval of an inspector require certain persons to be examined for tuberculosis.

Section 54 (2) of the Act.

Refers to the notice to be served by a medical officer of health before examination.

- Penalty. (3) Any person served with a notice who fails to carry out any order or direction contained therein shall be guilty of an offence and subject to the penalties provided in section 53.
- Expenses. (4) Any expenses incurred by a medical officer of health under this section shall be paid by the local municipality for which he is appointed, and in the case of a medical officer of health appointed to act in unorganized territory, such expenses shall be paid by the Department.
- Notice to municipality. 55.—(1) Upon admission to a sanatorium of any patient, the superintendent shall, by registered letter, notify the clerk of the local municipality in which such patient is or is reported to be a resident, of such admission, giving such particulars as are available to enable the clerk to identify the patient.
- Reply. (2) Within thirty days after the mailing of such notice to the clerk of the local municipality the clerk shall, by registered letter, send a reply to the superintendent from whom such notice was received stating whether such patient is a resident of such local municipality, and if the clerk states that the patient is not a resident, he shall furnish the information which he has obtained relating to the residence of the patient.
- Penalty. (3) If the clerk fails or neglects to comply with the provisions of subsection 2, the patient, for the purposes of this Act, shall be deemed to be a resident of the local municipality for which such clerk is appointed.
- Superintendent may request information. 56.—(1) Whenever the superintendent requires information regarding the ability of any patient to pay toward his maintenance in a sanatorium, the superintendent may request, by registered letter, such information from the clerk of the local municipality in which the patient was resident at the time of admission to the sanatorium.
- Penalty for failure to reply. (2) Unless the clerk of the local municipality within thirty days of the mailing to him of any such notice as mentioned in subsection 1, shall have replied to the superintendent supplying the information referred to in subsection 1, or giving reasons why such information cannot be obtained, such local municipality shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium

Section 54 (3) of the Act.

Provides a penalty for failing to carry out an order or direction by the medical officer of health for examination.

Section 54 (4) of the Act.

The expenses incurred are to be paid by the local municipality or in unorganized territory by the Department.

Section 55 (1) of the Act.

Provides that the superintendent of a sanatorium shall notify the local municipality of the admission of a patient.

Section 55 (2) of the Act.

Requires the clerk of the local municipality to send certain information to the superintendent of a sanatorium.

Section 55 (3) of the Act.

Penalty for failure or neglect of municipal clerk to send the information mentioned in section 55 (2) of the Act.

Section 56 (1) of the Act.

The superintendent may request certain information from the clerk of the local municipality.

Section 56 (2) of the Act.

Provides a penalty for failure to provide the information requested in section 56 (1) of the Act.

at the rate set for provincial aid in the regulations, commencing thirty days after the mailing to the clerk of the notice and continuing until the clerk has complied with the provisions of this section.

Costs of transportation to sanatorium.

- 57.—(1) The local municipality in which any indigent person is living at the time he requires admission to a sanatorium shall pay the costs of transporting such person to the sanatorium and if after admission to a sanatorium the residence of such person is determined to be any other local municipality, the local municipality which has paid the costs of transportation of such person to a sanatorium may recover the expenses so incurred from the local municipality where the person was a resident at the time of his admission to the sanatorium, or if any such person was not a resident in any local municipality, the local municipality which has paid the costs may recover such costs from the Department.

Transportation to another sanatorium.

- (2) The local municipality in which any indigent patient was a resident at the time of the admission of such patient to a sanatorium shall pay the costs of transportation of such patient to and from another sanatorium or to and from any public hospital or other public institution if such transfer has been directed by the superintendent of the sanatorium or an inspector.

Recovery by sanatorium.

- (3) Whenever the transfer of an indigent patient has been directed by the superintendent of a sanatorium or an inspector to and from any of the places mentioned in subsection 2, the sanatorium may pay the costs of transportation and may recover such costs from the local municipality in which such patient was a resident at the time of his admission to a sanatorium.

Transfer to a public hospital.

Rev. Stat., c. 390.

58. The superintendent of a sanatorium shall have authority to direct the transfer of any patient in such sanatorium to a hospital under *The Public Hospitals Act* for the purpose of having performed upon such patient any surgical operation for any condition other than tuberculosis and in any such case the charges for the treatment in the public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid under *The Public Hospitals Act*.

Limitation of action.

59. Any action against a sanatorium or any nurse or person employed therein for damages for injury

Section 57 (1) of the Act.

Refers to the costs of transportation of any person to a sanatorium.

Section 57 (2) of the Act.

Refers to the costs of transportation of a patient from one sanatorium to another, or from a sanatorium to a public hospital.

Section 57 (3) of the Act.

The sanatorium may pay costs of transportation and recover such costs from the local municipality.

Section 58 of the Act.

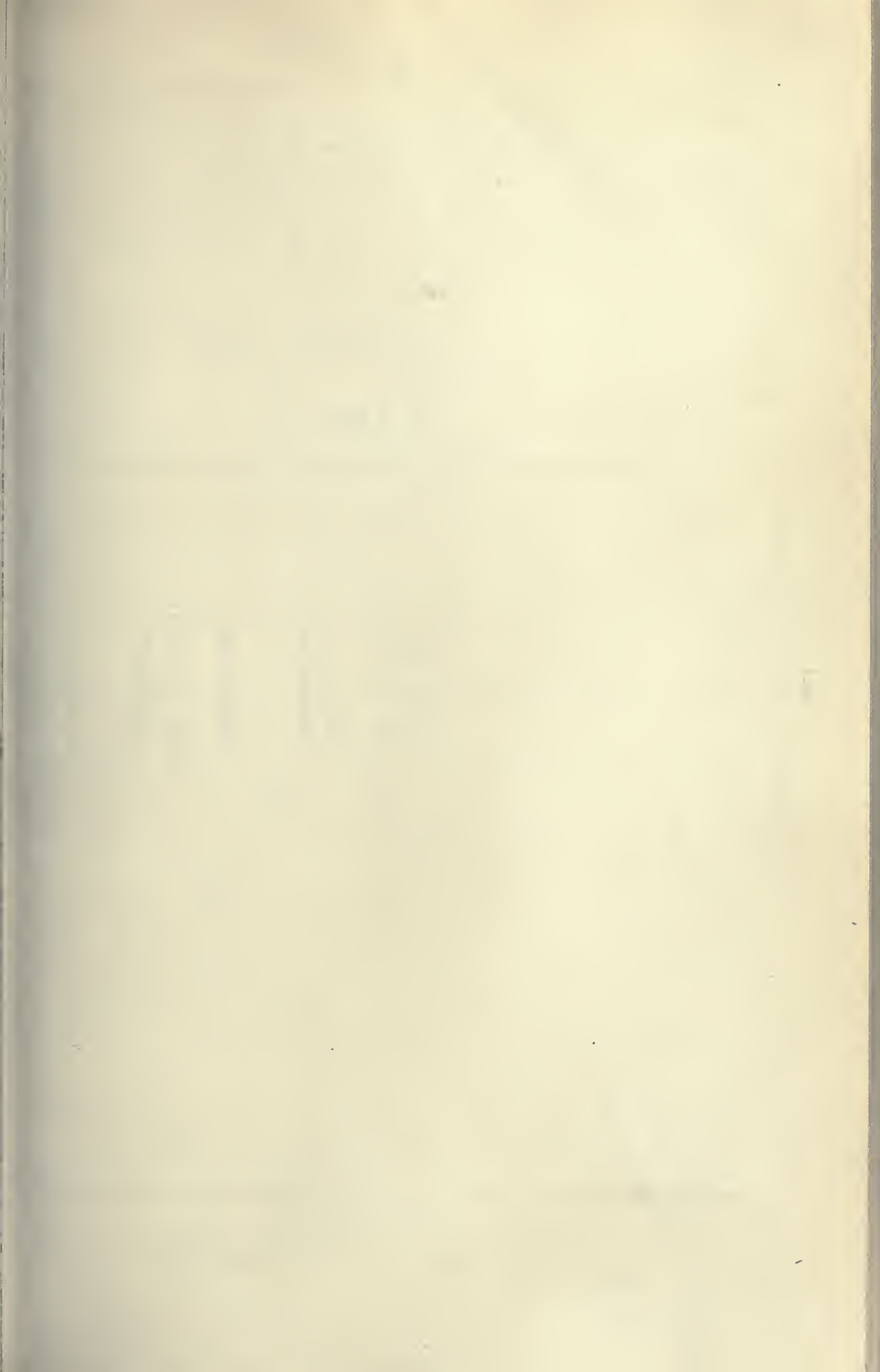
Under certain circumstances the superintendent of a sanatorium may transfer a patient from the sanatorium to a public hospital.

Section 59 of the Act.

Provides that any action against a sanatorium shall be brought within six months after the patient is discharged.

caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such sanatorium and not afterwards.

Short title. **13.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1939*.



BILL

An Act to amend The Sanatoria for
Consumptives Act.

1st Reading

March 23rd, 1939

2nd Reading

3rd Reading

MR. KIRBY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

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c. 395, s. 1,
cls. *d*, *g*, *i*,
repealed;
cls. *e*, *f*;
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(1938, c. 34,
s. 2, subs. 1);
h re-enacted.

1.—(1) Section 1 of *The Sanatoria for Consumptives Act* is amended by striking out clauses *d*, *e* and *f*, clauses *ff* and *fff* as enacted by subsection 1 of section 2 of *The Sanatoria for Consumptives Amendment Act*, 1938, and clauses *g*, *h* and *i* of the said section and inserting in lieu thereof the following clauses:

"Inspector."

(*d*) "Inspector" shall mean an officer of the Department designated under this Act as an inspector;

"Local
board."
Rev. Stat.,
c. 299.

(*e*) "Local board" shall mean a local board of health established under *The Public Health Act*;

"Local
municipi-
pality."

(*f*) "Local municipality" shall mean a city, a town, a village and a township;

"Medical
officer of
health."

(*g*) "Medical officer of health" shall mean a medical officer of health appointed under *The Public Health Act* or any person having the powers thereof;

"Minister."

(*h*) "Minister" shall mean the member of the Executive council charged for the time being with the administration of this Act;

"Patient."

(*i*) "Patient" shall mean a person admitted to a sanatorium for the purpose of treatment.

Rev. Stat.,
c. 395, s. 1,
cl. *l*,
amended.

(2) Clause *l* of the said section 1, as amended by subsection 2 of section 2 of *The Sanatoria for Consumptives Amendment Act*, 1938, is further amended by inserting before the word "municipality" in the second line the word "local," so that the said clause shall now read as follows:

- (l) "Resident" shall mean a person who has actually "Resident." resided in a local municipality for the period of three months within the six months next prior to admission to a sanatorium.

(3) Clause *m* of the said section 1 is amended by striking out the word "preventorium" in the second line, so that the said clause shall now read as follows: Rev. Stat., c. 395, s. 1, cl. *m*, amended.

- (*m*) "Sanatorium" shall mean and include any sanatorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients. "Sanatorium."

(4) Clause *p* of the said section 1 is repealed and the following substituted therefor: Rev. Stat., c. 395, s. 1, cl. *p*, re-enacted.

- (*p*) "Treatment" shall mean the stay, maintenance, observation, care, nursing and treatment of a patient who has or is suspected of having tuberculous disease. "Treatment."

2. Section 4 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "regulations" in the fourth line the word "not," so that the said section shall now read as follows: Rev. Stat., c. 395, s. 4, amended.

4. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act, and the regulations, and the Department may, from time to time, declare all or any of the regulations not to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as the Department may deem expedient. Enforcement of Act.

3. Section 6 of *The Sanatoria for Consumptives Act* is amended by striking out the words "heretofore passed" in the fifth line, so that the said section shall now read as follows: Rev. Stat., c. 395, s. 6, amended.

6. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. Powers of sanatorium.

4. Section 32 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "Act" in the first line Rev. Stat., c. 395, s. 32, amended.

the words "or the regulations," so that the said section shall now read as follows:

Sanatorium
to admit
patients.

32. Except as may otherwise be provided in this Act or the regulations, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment.

Rev. Stat.,
c. 395, s. 33,
repealed.

5. Section 33 of *The Sanatoria for Consumptives Act* is repealed.

Rev. Stat.,
c. 395, s. 39,
amended.

6. Section 39 of *The Sanatoria for Consumptives Act* is amended by striking out the words "or a dependant of an indigent person" in the second line and by inserting after the word "that" in the third line the word "local," so that the said section shall now read as follows:

Burial
expenses.

39. In the event of the death in a sanatorium of any patient who is an indigent person that local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30.

Rev. Stat.,
c. 395, s. 43,
amended.

7. Section 43 of *The Sanatoria for Consumptives Act*, as amended by section 6 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by inserting before the word "municipality" in the second line the word "local," and by striking out the words "being infected or likely or suspected of being infected with tuberculosis" in the second and third lines of clause *b* and inserting in lieu thereof the words "having or suspected of having tuberculous disease," so that the first two lines of the said section and clause *b* shall now read as follows:

Cases where
residence not
presumed.

43. For the purpose of this Act, no patient shall be deemed to be a resident in a local municipality,—

.

Health
seekers in
the districts.

- (*b*) if the municipality is in a territorial district, and such patient having or suspected of having tuberculous disease has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

.

8.—(1) Section 46 of *The Sanatoria for Consumptives Act*, Rev. Stat., c. 395, s. 46, amended. as amended by section 8 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by inserting before the word "municipality" where it occurs in the third line and in the words added by the amendment of 1938 respectively, the word "local," so that subsection 1 of the said section shall now read as follows:

- (1) When under this Act the burial expenses of a deceased patient are payable by a local municipality, the sanatorium to which such patient was admitted shall render to the clerk of the local municipality a statement of account of any such expenses with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction. Statements of account to be rendered.

(2) The said section 46 is further amended by adding thereto the following subsection: Rev. Stat., c. 395, s. 46, amended.

- (2) Upon payment by a local municipality of any expenses of burial of a deceased patient, the local municipality may recover one-half of such expenses from the county if such local municipality is part of the county for municipal purposes. Right of recovery.

9. Section 47 of *The Sanatoria for Consumptives Act*, as amended by section 9 of *The Sanatoria for Consumptives Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 395, s. 47, re-enacted.

47. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient, such local municipality or county may recover from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. Municipal recourse against estate of patient.

10. Section 48 of *The Sanatoria for Consumptives Act*, as amended by section 10 of *The Sanatoria for Consumptives Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 395, s. 48, re-enacted.

48. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient by reason of such patient having been assumed to be a resident in such local municipality and it being ascertained that such patient was not a resident Municipal recourse against proper municipality.

therein, but at the time of admission to the sanatorium was a resident in another local municipality in Ontario, the local municipality or county which made the said payment may recover the amount thereof as a debt from the local municipality in which such patient was a resident and upon payment by that local municipality, it shall be entitled to exercise the rights of recovery conferred under section 47.

Rev. Stat.,
c. 395, s. 50,
subss. 1, 2,
(1938, c. 34,
s. 11)
re-enacted.

11.—(1) Subsections 1 and 2 of section 50 of *The Sanatoria for Consumptives Act* as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, are repealed and the following substituted therefor:

Notice that
patient
recovered.

- (1) The superintendent of a sanatorium shall, and an inspector may give notice in writing to the local board of any local municipality that any patient who was a resident in such municipality at the time of admission to the sanatorium has recovered to such an extent that such patient may receive care or treatment outside the sanatorium.

Local board
to inves-
tigate.

- (2) Upon receiving such notice the local board shall furnish to or for any patient who is indigent the expenses of,—

- (a) transportation from the sanatorium to the place of residence of the patient;
- (b) proper living accommodation, food, clothing and any other necessities of life required by the patient; and
- (c) any special treatment for tuberculosis and transportation to and from any place at which such special treatment is available;

or of such of those things and services as he is unable to furnish himself.

Rev. Stat.,
c. 395, s. 50,
subs. 3
(1938, c. 34,
s. 11)
amended.

(2) Subsection 3 of the said section 50 as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, is amended by striking out the words "receiving the notice referred to in subsection 1" in the third and fourth lines and inserting in lieu thereof the words "such notice has been sent to the local board," and by adding at the end thereof the words "commencing thirty days after such notice has been sent to the local board," so that the said subsection shall now read as follows:

- (3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after such notice has been sent to the local board, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations commencing thirty days after such notice has been sent to the local board.

Failure of local board to comply with provisions of subs. 2.

(3) The said section 50 as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by adding thereto the following subsections:

Rev. Stat., c. 395, s. 50 (1938, c. 34, s. 11) amended.

- (4) If any patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was a resident at the time of his admission to a sanatorium, the first named local municipality shall provide for such patient the things mentioned in subsection 2 if the patient is indigent but may recover any expenses so incurred from the local municipality in which the patient was a resident at the time of his admission to a sanatorium.

Where patient proceeds to other municipality.

- (5) If a local municipality is part of the county for municipal purposes, such local municipality shall be entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 4.

Recovery from county.

12. *The Sanatoria for Consumptives Act* is amended by adding thereto the following sections:

Rev. Stat., c. 395, amended.

- 54.—(1) Any medical officer of health may, with the approval of an inspector, require any person who is resident in the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis, to submit to such examination for tuberculosis as the medical officer of health shall direct.

Medical officer may require examination.

- (2) In requiring any person to submit to an examination under this section, the medical officer of health shall serve such person, or in the case of an infant, the parent or guardian of the infant, with a notice in writing signed by the medical officer of health and by an inspector, specifying the nature, time and place of the examination.

Notice.

- Penalty. (3) Any person served with a notice who fails to carry out any order or direction contained therein shall be guilty of an offence and subject to the penalties provided in section 53.
- Expenses. (4) Any expenses incurred by a medical officer of health under this section shall be paid by the local municipality for which he is appointed, and in the case of a medical officer of health appointed to act in unorganized territory, such expenses shall be paid by the Department.
- Notice to municipality. 55.—(1) Upon admission to a sanatorium of any patient, the superintendent shall, by registered letter, notify the clerk of the local municipality in which such patient is or is reported to be a resident, of such admission, giving such particulars as are available to enable the clerk to identify the patient.
- Reply. (2) Within thirty days after the mailing of such notice to the clerk of the local municipality the clerk shall, by registered letter, send a reply to the superintendent from whom such notice was received stating whether such patient is a resident of such local municipality, and if the clerk states that the patient is not a resident, he shall furnish the information which he has obtained relating to the residence of the patient.
- Penalty. (3) If the clerk fails or neglects to comply with the provisions of subsection 2, the patient, for the purposes of this Act, shall be deemed to be a resident of the local municipality for which such clerk is appointed.
- Superintendent may request information. 56.—(1) Whenever the superintendent requires information regarding the ability of any patient to pay toward his maintenance in a sanatorium, the superintendent may request, by registered letter, such information from the clerk of the local municipality in which the patient was resident at the time of admission to the sanatorium.
- Penalty for failure to reply. (2) Unless the clerk of the local municipality within thirty days of the mailing to him of any such notice as mentioned in subsection 1, shall have replied to the superintendent supplying the information referred to in subsection 1, or giving reasons why such information cannot be obtained, such local municipality shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium

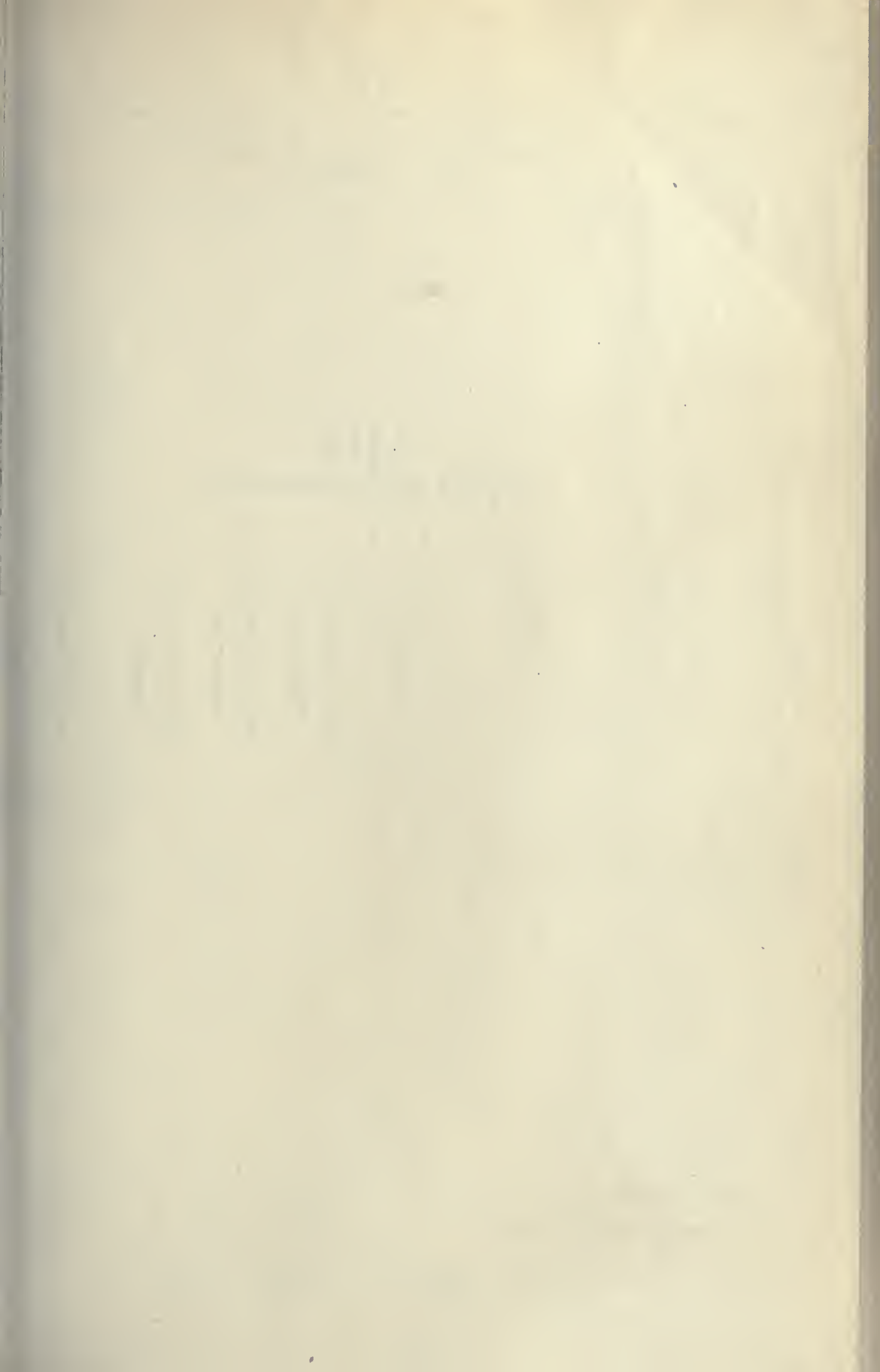
at the rate set for provincial aid in the regulations, commencing thirty days after the mailing to the clerk of the notice and continuing until the clerk has complied with the provisions of this section.

- 57.—(1) The local municipality in which any indigent person is living at the time he requires admission to a sanatorium shall pay the costs of transporting such person to the sanatorium and if after admission to a sanatorium the residence of such person is determined to be any other local municipality, the local municipality which has paid the costs of transportation of such person to a sanatorium may recover the expenses so incurred from the local municipality where the person was a resident at the time of his admission to the sanatorium, or if any such person was not a resident in any local municipality, the local municipality which has paid the costs may recover such costs from the Department. Costs of transportation to sanatorium.
- (2) The local municipality in which any indigent patient was a resident at the time of the admission of such patient to a sanatorium shall pay the costs of transportation of such patient to and from another sanatorium or to and from any public hospital or other public institution if such transfer has been directed by the superintendent of the sanatorium or an inspector. Transportation to another sanatorium.
- (3) Whenever the transfer of an indigent patient has been directed by the superintendent of a sanatorium or an inspector to and from any of the places mentioned in subsection 2, the sanatorium may pay the costs of transportation and may recover such costs from the local municipality in which such patient was a resident at the time of his admission to a sanatorium. Recovery by sanatorium.
58. The superintendent of a sanatorium shall have authority to direct the transfer of any patient in such sanatorium to a hospital under *The Public Hospitals Act* for the purpose of having performed upon such patient any surgical operation for any condition other than tuberculosis and in any such case the charges for the treatment in the public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid under *The Public Hospitals Act*. Transfer to a public hospital.
Rev. Stat., c. 390.
59. Any action against a sanatorium or any nurse or person employed therein for damages for injury Limitation of action.

caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such sanatorium and not afterwards.

Short title.

13. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1939*.



BILL

An Act to amend The Sanatoria for
Consumptives Act.

1st Reading

March 23rd, 1939

2nd Reading

March 29th, 1939

3rd Reading

April 13th, 1939

MR. KIRBY

2

No. 54

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Corporations Tax Act, 1939.

MR. LEDUC

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

“Bank.”

- (a) “Bank” shall mean a corporation or joint stock company wherever incorporated for the purpose of doing a banking business or the business of a savings bank which transacts such business in Ontario, whether the head office is situate in Ontario or elsewhere;

“Commis-
sioner of
Income
Tax.”
R.S.C.,
c. 137.

- (b) “Commissioner of Income Tax” shall mean the officer appointed by the Governor in Council pursuant to the provisions of the *Department of Revenue Act* (Canada);

“Company.”

- (c) “Company” shall include bank, extra-provincial company, insurance company and incorporated company;

Controller
of
Revenue.”

- (d) “Controller of Revenue” shall mean the Controller of Revenue for the Province of Ontario appointed by the Lieutenant-Governor in Council;

“Divi-
dends.”

- (e) “Dividends” shall include stock dividends;

“Extra-
provincial
company.”

- (f) “Extra-provincial company” shall mean an incorporated company which has its head office elsewhere than in Ontario;

“Head
office.”

- (g) “Head office” shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business;

“Income
bond”;
“income de-
benture.”

- (h) “Income bond” and “income debenture” shall mean respectively a bond and debenture, the interest or dividend on which is payable only when the debtor company has made a profit before taking into account

EXPLANATORY NOTES

GENERAL. This Bill re-enacts those portions of *The Corporations Tax Act* relating to the taxation of corporations, excluding those provisions therein, which impose a tax on the sale and transfer of securities, and a tax on Race Tracks. Two separate Bills, *The Security Transfer Tax Act, 1939*, and *The Race Tracks Tax Act, 1939*, are being introduced to re-enact provisions for the imposition of the latter taxes.

This Bill includes as ordinary incorporated companies for taxation purposes loan companies, trust companies, gas and electric companies. Formerly the classes of companies mentioned were subject to special taxes different from those imposed on ordinary companies.

The rate of tax payable by ordinary companies calculated on paid-up capital is reduced from 1/10 of 1 per centum to 1/20 of 1 per centum and that calculated on net income is raised from 1 per centum to 2 per centum.

The provisions with respect to the calculation of net income subject to tax are identical with similar provisions respecting companies in the Dominion Income Tax Act with the exception of necessary variations therefrom, where the provisions of the Dominion Act are not suitable for Ontario.

Authority is provided to permit an agreement to be made between the Minister of National Revenue and the Treasurer of Ontario, whereby the Dominion Income Tax Department may act as agent for the Province to collect the taxes imposed by this Act.

SECTION 1. This section provides for interpretation of various words and expressions used in the Act. The definitions are the same as in Section 1 of the present Act with the following exceptions:

Clause (b). This is self-explanatory.

Clause (c). "Company" is defined to include every class of corporation and association so that when all classes of corporations are intended to be covered by a provision, each separate class does not need to be mentioned.

Clause (d). This is self-explanatory.

Clause (e). This is included for uniformity with Dominion Income Tax Act.

Clause (h). This is included for uniformity with Dominion Income Tax Act.

the interest or dividend obligation on such bond or debenture;

"Insurance company."

- (i) "Insurance company" shall include life, fire, ocean or inland marine, inland transportation, accident, plate-glass, automobile, steam boiler and burglary insurance companies, guaranty, surety and casualty companies and underwriters and syndicates of underwriters operating on the plan known as Lloyds, which transact business or undertake risks on lives or property in Ontario or are licensed under *The Insurance Act*, but shall not include mutual insurance companies, insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario;

Rev. Stat.,
c. 256.

"Incorporated company."

- (j) "Incorporated company" shall include corporation and association however and wherever incorporated and where any such corporation or association, or the whole or any part of the property thereof, is placed in the hands or under the control of an agent, assignee, trustee, liquidator, receiver or other official shall include such agent, assignee, trustee, liquidator, receiver or other official;

"Minister."

- (k) "Minister" shall mean the Minister of National Revenue appointed under the provisions of the *Department of National Revenue Act* (Canada);

R.S.C.,
c. 137.

"Property."

- (l) "Property" shall include money, goods, things in action, land and property of every description, whether real or personal, legal or equitable, and every interest or profit, present or future, vested or contingent in, arising out of or incident to property;

"Railway."

- (m) "Railway" shall include a railway and part of a railway in Ontario operated in whole or in part by steam, electricity or other motive power, constructed and operated on highways or on land owned by the company owning or operating it, or partly on highways and partly on such land, but shall not include a street railway constructed or operated in whole or in part upon or along a highway under or by virtue of an agreement with, or by-law of a city or town;

"Regulations."

- (n) "Regulations" shall mean regulations made under the authority of this Act;

"Transacting business in Ontario."

- (o) "Transacting business in Ontario" shall include the transaction of any business obtained in Ontario by a company through its own office or branch in Ontario

Clause (i). This is substantially the same as the present definition, except that the words "underwriters operating on a plan known as Lloyds" are included to make the definition consistent with the practice of the department.

Clause (j). This is substantially the same as clause (e) of section 1 of the present Act.

Clause (k). This is self-explanatory.

Clause (l). This is necessary to clarify the meaning of the word used in other sections of the Act.

Clause (m). This is a combination of clauses (i) and (j) of section 1 of the present Act.

Clause (n). This is self-explanatory.

Clause (o). This is included to render the Act consistent with the practice of the Department. This definition expresses substantially the least activity permitted to an extra provincial company which under *The Extra Provincial Corporations Act* renders it liable to take out a license to transact business in Ontario.

and shall also include the transaction of any business obtained by an extra-provincial company through the efforts of any other company or any firm, broker, agent or other person which has an office in or is a resident of Ontario when such company, firm, broker, agent or other person acts as the representative or agent of, or in any other capacity for such extra-provincial company, but shall not include the taking of orders for or the buying or selling of goods, wares or merchandise by travellers or by correspondence if no business is obtained through the efforts of any company, firm, broker, agent or other person which has an office in or is a resident of Ontario;

"Treasurer."

(p) "Treasurer" shall mean the Treasurer of Ontario.

Taxes payable.

2.—(1) Every company having its head office or other office in Ontario, or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay to His Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner hereinafter provided.

Fiscal year.

(2) For the purposes of this Act the Treasurer may determine the period of any fiscal year of any company in order to prevent any fiscal year from occupying a longer period than twelve months, provided that for every fiscal year of less than twelve months there may subsequently be a fiscal year of more than twelve months if the total period of both of such fiscal years does not exceed twenty-four months nor shall it be necessary that any fiscal year of a company shall occupy any substantial part of a year.

Incompleted fiscal year.

(3) Subject to the provisions of subsection 2, where a company ceases to have an office or to hold assets or to transact business in Ontario or the existence of which is terminated during any fiscal year, such company shall, in respect of such incompleted fiscal year, pay the taxes imposed by this Act in the same manner as though such fiscal year ended upon the date upon which it ceased to have an office or to hold assets or to transact business in Ontario or upon which its existence was terminated.

Banks.

3.—(1) Every bank shall for every fiscal year of such bank pay,—

On paid-up capital.

(a) a tax of one-fifth of one per centum on the paid-up capital stock thereof and one-tenth of one per centum on the reserve fund and undivided profits thereof;

On offices.

(b) an additional tax of \$3,000 for the principal office in Ontario and \$200 for each additional office, branch

SECTION 2. This section is substantially the same as subsection 1 of section 3 of the present Act except that the tax is to be payable for every fiscal year of the company rather than annually as at present. Subsections 2 and 3 of this section of the Bill describe fiscal year and provide for the present practice of the Department.

SECTION 3. This section is substantially the same as subsection 2 of section 3 of the present Act except the provision for a reduction in the office tax for bank offices opened less than 250 days during the year. This reduction is the present practice of the Department having been authorized by the regulations.

or agency in Ontario, provided that in the case of such additional offices, branches and agencies which were open during the fiscal year less than 250 days, one tax of \$200 shall apply for each 250 days or fraction thereof that all such offices, branches and agencies were open.

Reduction
in certain
cases.

(2) Where the head office of a bank is out of Ontario, and where it has not more than five offices, branches and agencies within Ontario, the Treasurer, having regard to the amount of business transacted in Ontario, may reduce the amount of the tax imposed by clause *a* of subsection 1, but such tax shall in no case be less than one-tenth of one per centum calculated upon one-half of the paid-up capital stock.

Life insur-
ance
companies.

4.—(1) Every insurance company shall pay a tax in respect of life insurance premiums of one and three-quarters per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,—

- (a) considerations for annuities;
- (b) cash value of dividends paid or credited to policy holders;
- (c) premiums returned;
- (d) premiums received in respect of reinsurance assumed; and
- (e) premiums paid in respect of casualty reinsurance ceded to insurance companies licensed to transact business in Ontario.

Fire and
casualty
insurance
companies.

(2) Every insurance company shall pay a tax,—

- (a) in respect of fire insurance premiums of one and two-thirds per centum; and
- (b) in respect of premiums other than life or fire insurance premiums of two per centum,

calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,—

- (i) premiums returned;
- (ii) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;

SECTION 4. This section is substantially the same as subsection 3 of section 3 of the present Act.

- (iii) premiums received in respect of business written on the premium note plan; and
- (iv) cash value of dividends paid or credited to policy holders by mutual insurance companies.

Definition
of premiums
in respect of
business
transacted
in Ontario.

(3) In determining the amount of the tax payable under subsection 2 every premium which is, by the terms of the policy or renewal thereof, payable in respect of insurance of a person, or property resident or situate in Ontario at the time of payment whether or not,

- (a) such premium is earned;
- (b) the business in respect of the policy is transacted; or
- (c) the payment of such premium is made, wholly or partly within Ontario,

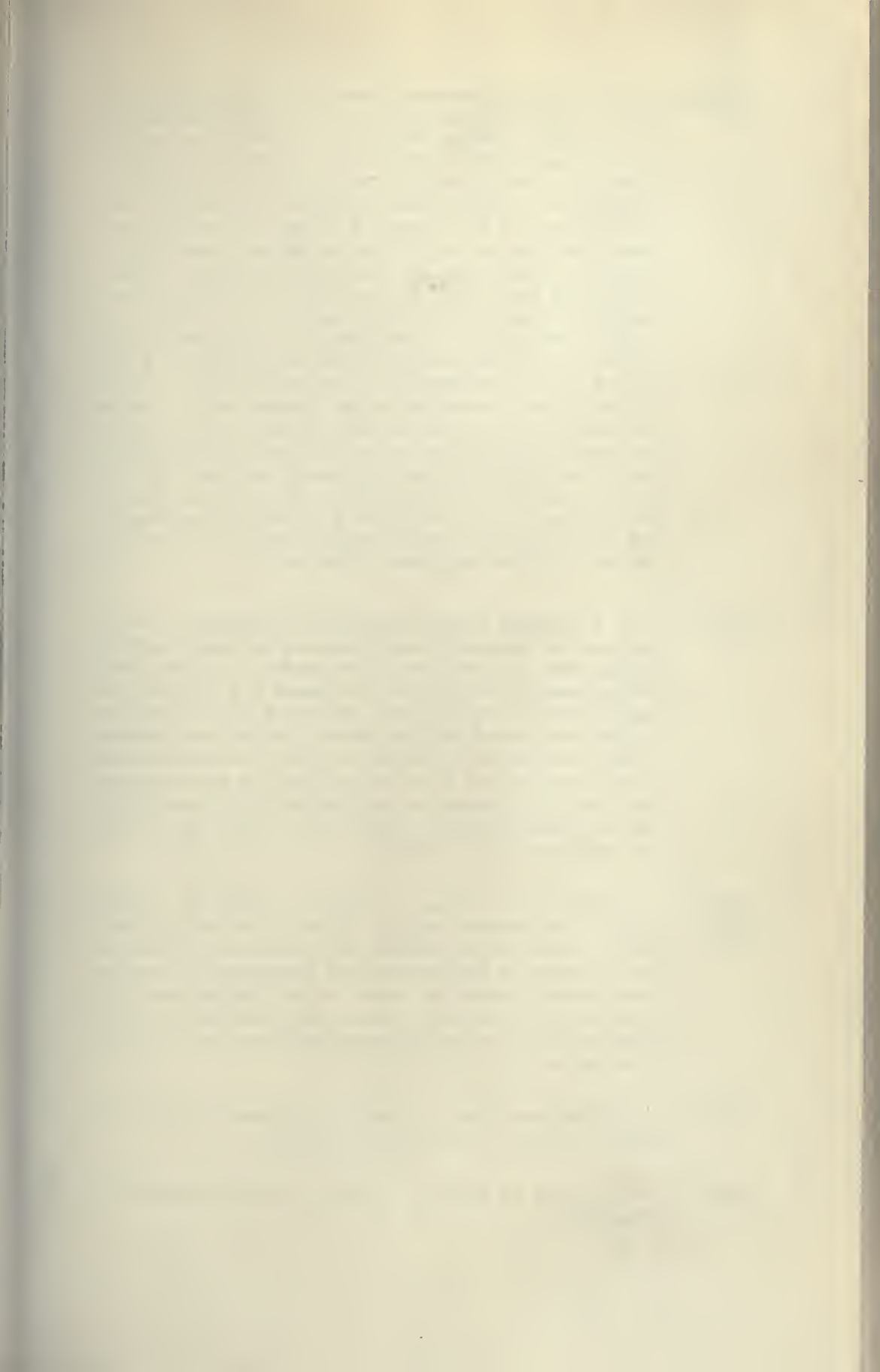
shall be deemed to be a premium in respect of business transacted in Ontario.

Unfair dis-
crimination.

(4) Where it is established to the satisfaction of the Lieutenant-Governor in Council that any country or any state of any country discriminates unfairly by imposing taxes, fees and other monetary obligations upon any insurance company or any particular class of insurance companies organized under the laws of Canada or of Ontario and having their principal offices in Ontario, which in the aggregate are in excess of comparable taxes, fees and monetary obligations imposed upon any similar company or class of companies incorporated under the laws of such country or state, the Lieutenant-Governor in Council may direct that any company or any class of companies incorporated under the laws of such country or state and which transact business in Ontario shall pay, in addition to the tax otherwise imposed by this Act, a tax not exceeding the equivalent of such excess, and such additional tax shall be recoverable in the same manner as any other tax imposed by this Act.

Fiscal year.

(5) For the purposes of this Act the fiscal year of every insurance company shall be deemed to end on the 31st day of December.



Railway
mileage.

5.—(1) Every incorporated company owning, operating or using a railway shall for every fiscal year of such company pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, owned, operated or used in any organized municipality in Ontario, and of \$40 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, in territory without municipal organization in Ontario, provided that an incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system does not exceed one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall, in lieu of such tax, pay a tax of \$15 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario, and, where the railway or system does not exceed thirty miles in length between such termini, a tax of \$10 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario.

Additional
tax.

(2) In addition to the tax imposed by subsection 1, every incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, exceeds one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall for every fiscal year of such company pay a tax of \$25 per mile for one track in Ontario, and, where the line consists of two or more tracks, of \$20 per mile for each additional track in Ontario.

Company
owning and
company
operating
liable.

(3) Both the incorporated company owning the railway and the incorporated company operating or using it shall jointly and severally be liable for the payment to the Treasurer of the amount of the taxes imposed by this section, but the total amount payable in respect of any railway shall not exceed the amounts above respectively mentioned, notwithstanding that the railway is owned, operated or used by more than one incorporated company.

Exception.

(4) The measurement of track for purposes of this section shall not include switches, spurs or sidings.

S. 44 not
to apply.

(5) Section 44 shall not apply to the tax imposed by subsection 2.

SECTION 5. This section is the same as subsections 6 and 7 of section 3 of the present Act.

Subsidiary
companies.

(6) Where an incorporated company owning, operating or using a railway, owns or controls other incorporated companies, such other incorporated companies shall be taxable as provided by this Act, without having regard to the taxes payable by their parent company in accordance with the provisions of this section.

Telegraph
companies.

On amount
invested.

6. Every incorporated company owning, operating or using a line or part of a line of telegraph within Ontario for gain, including every incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of one per centum upon the total amount of money invested by the incorporated company on such line or part thereof and the works and plant connected therewith; provided that an incorporated company owning and an incorporated company operating and using any such line or part thereof shall jointly and severally be liable for the payment of the said tax, but the total amount payable in respect of such line or part thereof and the works and plant connected therewith shall not exceed the total amount of tax imposed by this section notwithstanding that the line or part thereof is owned, operated or used by more than one company.

Telephone
companies.

7. Every incorporated company owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital as defined by subsection 2. of section 10 of \$100,000 or over shall for every fiscal year of such company pay a tax of three-eighths of one per centum calculated upon the paid-up capital stock thereof.

Express
companies.

8. Every incorporated company carrying on the business of an express company over a railway in Ontario, including an incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of \$800 for each one hundred miles or fraction thereof but in no case of more than \$10,000.

Car
companies.

9. Every incorporated company except any incorporated company owning, operating or using a railway, transacting in Ontario the business of operating, leasing or hiring sleeping, parlour or dining cars run upon or used by any railway within Ontario, shall for every fiscal year of such company pay a tax of one per centum calculated upon the money invested in such cars in use in Ontario.

Other incor-
porated
companies.

10.—(1) Save as in this section otherwise provided every incorporated company having its head or other office in Ontario

SECTION 6. This section is the same as subsection 8 of section 3 of the present Act.

SECTION 7. This section is the same as subsection 9 of section 3 of the present Act.

SECTION 8. This section is the same as subsection 11 of section 3 of the present Act.

SECTION 9. This section is the same as subsection 12 of section 3 of the present Act.

SECTION 10. This section imposes a tax calculated on "paid-up capital" at one-twentieth of one per centum rather than at one-tenth of one per centum as imposed by subsection 20 of section 3 of the present Act.

Tax on
capital.

or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon the paid-up capital thereof.

"Paid-up
capital," —
meaning of.

(2) In this section and in section 12 "paid-up capital" shall mean the paid-up capital as it stood at the close of the fiscal year and shall include the paid-up capital stock of the incorporated company, its earned, capital and any other surplus, all its reserves, whether created from revenue or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of section 14, all sums or credits advanced or loaned to the incorporated company by any other incorporated company, not including any bank, and all indebtedness of the incorporated company, whether assumed or undertaken by the incorporated company, represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property of the incorporated company or any of it is subject.

Exceptions.

(3) The following incorporated companies shall not be subject to the tax imposed by subsection 1:

Bank.

(a) Any bank;

Insurance
company.

(b) Any insurance company;

Railway.

(c) Any incorporated company owning, operating or using a railway except as provided by section 11;

Telegraph
company.

(d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario;

Telephone
company.

(e) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario;

Express
company.

(f) Any incorporated company carrying on the business of an express company over a railway in Ontario;

Car
company.

(g) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario;

Companies
with busi-
ness and
assets
abroad.

(h) Any incorporated company whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be

Subsection 1. This is the taxing section and corresponds to clause *a* of subsection 20 of section 3 of the present Act.

Subsection 2. This is the definition of "paid-up capital" and is substantially the same as clause *d* of subsection 20 of section 3 of the present Act, the phraseology having been slightly altered to bring the definition into accordance with the practice of the Department.

Subsection 3. This subsection groups all classes of companies which are exempt from tax calculated on paid-up capital.

Clauses *a* to *g* correspond to subclause xviii of clause *c* of subsection 20 of section 3 of the present Act.

Clauses *h* and *i* contain the wording used in similar clauses in the Dominion Income Tax Act and correspond to and have the same effect as subclause iv of the same clause *c* of the present subsection.

held in Ontario, are situated entirely outside of Ontario, including wholly-owned subsidiary companies which are solely engaged in the prosecution of the business outside of the province of Ontario of the parent incorporated company;

Idem.

- (i) Any incorporated company whose business operations are of an investment or financial nature and carried on entirely outside of Ontario and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other incorporated companies conforming to the requirements of clause *h*, are situated entirely outside of Ontario, provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada or of the Province of Ontario, with head office in Ontario, shall for the purposes of this clause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;

Companies whose assets consist of shares, bonds, etc., of other companies.

- (j) Any incorporated company which maintains a head office or executive office or both in Ontario but the assets of which consist wholly of the shares and bonds of, and loans and advances to other incorporated companies and of bank deposits;

Companies in receivership or liquidator.

- (k) Any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee, and none of whose property is used either by the incorporated company or the liquidator, receiver or trustee in transacting any of the businesses or undertakings for which the company was incorporated;

Non-operating companies.

- (l) Any incorporated company which, in the opinion of the Treasurer, has not commenced to transact business or which, in the opinion of the Treasurer, has ceased to transact business;

Companies without share capital.

- (m) Any incorporated company which was incorporated without share capital;

Religious, social and educational companies.

- (n) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purposes of drainage, agriculture or colonization in Ontario and no part

Clause j corresponds to subclause v of clause c of the present subsection.

Clause k corresponds to subclause vi of clause c of the present subsection.

Clause l corresponds to subclause vii of clause c of the present subsection.

Clause m corresponds to subclause viii of clause c of the present subsection.

Clause n corresponds to subclauses ix and x of clause c of the present subsection.

of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;

Community clubs.

- (o) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;

Co-operative companies.

- (p) Any incorporated company which is organized and operated on a co-operative basis and which,—
- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
 - (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost plus a reasonable amount for expenses and reserves; or
 - (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or
 - (iv) is a credit union;

Companies which finance co-operative companies.

- (q) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is exempt from taxation under the provisions of clause p;

Transportation companies.

- (r) Any incorporated company transacting the business of transporting passengers or freight, or both, whose head office and entire transportation system is situated outside of Ontario and which, in the opinion of the Treasurer, maintains an office in Ontario only for the purpose of soliciting business for its system outside of Ontario and which, in the opinion of the Treasurer, does not sell transportation at its office situated in Ontario; provided that where any such

Clause *o* corresponds to subclause xiii and xiv of clause *c* of the present subsection.

Clauses *p* and *q* contain similar wording to that used in corresponding clauses in the Dominion Income Tax Act and replace subclause xii of clause *c* of the present subsection.

Clause *r* corresponds to subclause xv of clause *c* of the present subsection.

incorporated company does sell transportation at its office situated in Ontario, it shall pay a tax of \$50.

Exemptions
and deduc-
tions.

(4) Paid-up capital as hereinbefore defined shall be subject to the following exemptions and deductions:

Goodwill.

(a) Goodwill or other intangible thing included as an asset to the extent that such goodwill or other intangible thing, in the opinion of the Treasurer, has no value; provided that this exemption shall apply to no more than fifty per centum of the book value of such goodwill or other intangible thing;

Discount on
shares.
Rev. Stat.,
c. 251.

(b) Discount allowed on the sale of the shares of a company incorporated under Part XI of *The Companies Act* to its shareholders;

Investments.

(c) The amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a* and *b*, which the cost of the investments made by the incorporated company in the shares and bonds of other incorporated companies, in loans and advances to other incorporated companies and in the bonds, debentures and other securities of any government, municipal or school corporation bears to the total assets of the incorporated company remaining after the deduction of the exemptions provided by clauses *a* and *b*; provided that cash on deposit with any incorporated company doing the business of a savings bank and amounts due by a parent company with head office outside of Canada to a subsidiary company taxable by this section shall not be deemed to be loans and advances to other incorporated companies;

Capital held
in mine and
mill.

Rev. Stat.,
c. 28.

(d) In the case of an incorporated company engaged in mining which has not reached the production stage or the profits of which are insufficient to be assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act*, the amount invested in the plant and works necessary to and forming part of such mine and the amount invested in the plant and works necessary for the refinement of the ore taken from the mine

Subsection 4. This subsection groups all items which are to be deducted from "paid-up capital" in determining the amount on which the tax payable is to be calculated.

Clause *a* corresponds to subclause xvi of clause *c* of subsection 20 of section 3 of the present Act and provides for a maximum allowance for Goodwill which is in accordance with the present practice of the department.

Clause *b* provides for a deduction which is self-explanatory and is instituted to bring the Act into accordance with the practice of the Department.

Clause *c* corresponds to clause *b* of subsection 20 of section 3 of the present Act and provides for an allowance from "paid-up capital" for the investments of a company in the securities of and loans to other companies, thus obviating duplicate taxation, as well as in government securities.

Clauses *d* and *e* correspond to subclauses i, ii and iii of clause *c* of subsection 20 of section 3 of the present Act and make no change except phraseology in their provisions.

bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*;

Capital held
in mine sub-
ject to
mining tax.

Rev. Stat.,
c. 28.

- (*e*) In the case of an incorporated company engaged in mining the profits of which are assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act* and the amount invested in the plant and works necessary to and forming part of such mine bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; provided that where the exemption provided by this clause applies, the exemption provided by clause *d* shall not apply;

Real estate
companies.

- (*f*) In the case of any incorporated company whose only business is the holding of real estate for sale or rent or the owning of buildings used as hotels, apartment houses and for offices, or both, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from the operation of such business, before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that where the exemption under this clause applies, none of the exemptions under clauses *a* to *e* shall apply;

Companies
in receiver-
ship.

- (*g*) In the case of any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee and whose property or any of it is used either by the company or the liquidator, receiver or trustee in carrying on any of the businesses or undertakings for which the company was incorporated, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from carrying on any of such businesses or undertakings before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that

Clause *f* corresponds to subclause xix of clause *c* of subsection 20 of section 3 of the present Act and makes no change in its provisions

Clause *g* is a new provision whereby a company the property of which is under the control of a liquidator, receiver or trustee will be taxable on a reduced amount of paid-up capital but will not be entirely exempt as provided in clause *k* of subsection 3 of section 9 of this Bill if any of the property is used by such officials for any of the purposes for which the company was incorporated, unless such use results in a loss on operations.

where the exemption under this clause applies, none of the exemptions under clauses *a* to *f* shall apply.

Deductions
from the
tax on
capital.

(5) An incorporated company shall be entitled to deduct from the tax calculated upon paid-up capital which would otherwise be payable under this section the amount of the tax calculated upon paid-up capital which was paid or payable during the fiscal year for which the tax under this section is imposed to the government of any province, state or country outside of Ontario, with the exception of any tax paid or payable to the Dominion of Canada, provided that such deduction shall not at any time exceed the amount of the tax which would otherwise be payable in respect of paid-up capital deemed to be used within each such province, state or country and provided that the paid-up capital deemed to be used within each such province, state or country shall be determined as follows:

Ship trans-
portation
companies.

(a) In the case of an incorporated company the business of which is that of ship transportation, the amount of the paid-up capital which shall be deemed to have been used within each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of the tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total of the amount of tonnage of its ships which operated during such fiscal year multiplied by the number of times each such ship called at any port during such fiscal year and the tonnage of its ships which did not operate during such fiscal year;

Transporta-
tion com-
panies.

(b) In the case of an incorporated company the business of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the number of miles travelled by its buses, trucks or aircraft during the fiscal year of such company in each such province,

Subsections 5 and 6. These provide for the deduction of any tax calculated on paid-up capital and payable to any other jurisdiction than Ontario, except the Dominion of Canada, from the tax calculated on paid-up capital otherwise payable to Ontario under this Act. The amount of such deduction is limited as set out in the following clauses, such limit being based on the proportionate amount of business transacted by the company involved in each jurisdiction in which it is subject to tax. These provisions are presently effective pursuant to the regulations covering the application of the present Act.

state or country bears to the total number of miles travelled by its buses, trucks, or aircraft during such fiscal year;

Real estate,
grain and
mining com-
panies.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; *d* or *e*; *f* or *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Other
companies.

- (d) In the case of every other incorporated company, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4 which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation.

Evidence
necessary.

- (6) Any deduction provided by subsection 5 shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer showing the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of paid-up capital.

Railway
companies
tax on
capital.

11. In addition to the tax imposed by section 5, every incorporated company owning, operating or using a railway which also operates an hotel or hotels in Ontario shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon that amount of capital of which the net income earned from the operation of such hotel or hotels, before deduction of interest or dividends on any of the obligations of the incorporated company paid or

SECTION 11. This is self-explanatory and corrects the discrimination against hotels owned by others than railway companies in the present Act.

payable with respect to any capital invested in such hotel or hotels, would be eight per centum.

Tax on
offices.

12.—(1) Save as in this section otherwise provided, every incorporated company having its head or other office in Ontario or which transacts business in Ontario shall for every fiscal year of such company pay a tax of \$50 for each office or place of business in Ontario, and every incorporated company which holds assets in Ontario but has no designated office or place of business, shall for every fiscal year of such company, in addition to all other taxes for which it may be liable, pay a tax of \$50.

“Office or
place of
business,”
defined.

(2) In this section “office or place of business” shall mean,—

- (a) The head office of an incorporated company except where such office not being the only office of such company, is maintained merely as a nominal head office, provided that the incorporated company transacts no business at such nominal head office;
- (b) The executive office of an incorporated company;
- (c) A building or part of a building or any property where an incorporated company carries on any of its operations;
- (d) A building, office, room or location where an incorporated company invites patronage either through its name being placed in public view on the property, or through a listing of its name in a telephone or other directory giving its address at a certain location, or through an advertisement in the press giving the name of the incorporated company and its address at a certain location;
- (e) The office or room of any company, firm, broker, agent or other person acting as the representative or agent of or in any other capacity for an incorporated company;
- (f) A permanent sample depot, where a representative of an incorporated company may display examples of its products which are for sale;
- (g) A depot where a representative of an incorporated company may buy materials for the use of such company; and
- (h) A depot for the distribution of goods.

SECTION 12. This section corresponds to subsection 21 of section 3 of the present Act, and continues the imposition of a tax of \$50 for each office or place of business of a company.

Subsection 1. This is the taxing section.

Subsections 2, 3 and 4. These are interpretive sections which are introduced to make the Act conform with the practice of the Department.

Acting for
more than
one com-
pany.

(3) Where a company, firm, broker, agent or other person is acting as the agent or representative of or in any other capacity for more than one incorporated company, each of such incorporated companies shall be deemed to be maintaining an office or place of business in the office or place of business of such company, firm, broker, agent or other person.

Exceptions.

(4) Offices or places of business defined by clauses *c, d, e, f, g* and *h* of subsection 2 shall be deemed separate offices and places of business only in such cases where each of them is located apart from the head office or executive office of the incorporated company.

Where no
tax payable.

(5) The following incorporated companies shall not be subject to any tax imposed by this section:

- (a) Any bank;
- (b) Any insurance company;
- (c) Any incorporated company owning, operating or using a railway except as provided by section 13;
- (d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario;
- (e) Any incorporated company transacting the business of an express company over a railway in Ontario;
- (f) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario;
- (g) Any incorporated company which was incorporated without share capital; and
- (h) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario and having a paid-up capital of \$100,000 or over.

Reduction
in tax.

(6) Any incorporated company having a paid-up capital of less than \$100,000 shall, for every fiscal year of such company in lieu of the tax imposed by subsection 1, pay a tax of one-twentieth of one per centum, calculated on the paid-up capital, for each office or place of business in Ontario provided that in no case shall the combined taxes imposed in sections 10 and 12 be less than \$20.

Tax payable
by certain
companies.

(7) Each of the following incorporated companies shall for every fiscal year of such company in lieu of the tax imposed in subsections 1 and 6, pay a tax of \$20:

Subsection 5. This provides for those companies which are exempt from this tax and except for the form of the clauses is the same as clauses *c* and *d* of subsection 21 of section 3 of the present Act.

Subsection 6. This corresponds to clause *b* of subsection 21 of section 3 of the present Act; it provides, however, that a reduced place of business tax shall apply to companies with paid-up capital of less than \$100,000 rather than \$50,000 as in the present Act, this because of the decrease in the rate of capital tax from $1/10$ to $1/20$ of 1%.

Subsection 7. This corresponds with clause *e* of subsection 21 of section 3 of the present Act.

- (a) Any incorporated company engaged in mining which has not during its fiscal year developed its properties by any surface trenching, stripping, blasting of outcrops, diamond drilling or similar work or underground development work, and which does not hold as assets investments in the shares, bonds, and obligations of other incorporated companies and governments, municipal and school corporations having a cost value of more than \$40,000;
- (b) Any incorporated company, whose charter has not been surrendered and whose nominal head office is designated as being in Ontario and which, in the opinion of the Treasurer, has not commenced to do business or has ceased to do business and is entirely without assets.

16-10-10.

(8) Each of the following incorporated companies shall for every fiscal year of such company, in lieu of the tax imposed by subsections 1, 6 and 7, pay a tax of,—

\$ 5 where the paid-up capital is less than \$20,000;

\$10 where the paid-up capital is \$20,000 or over and less than \$40,000;

\$15 where the paid-up capital is \$40,000 or over and less than \$60,000;

\$25 where the paid-up capital is \$60,000 or over and less than \$80,000;

\$50 where the paid-up capital is \$80,000 or more,—

- (a) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purpose of drainage, agriculture or colonization in Ontario and no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (b) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (c) Any incorporated company which is organized and operated on a co-operative basis and which—

Clause *a* of this subsection is extended to clarify what has been the department's practice in interpreting subclause *i* of the present clause *e*.

Subsection 8. This corresponds to clause *f* of subsection 21 of section 3 of the present Act. The phraseology is extended so that various classes of companies are described in the words used in the Dominion Income Tax Act.

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or
- (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or
- (iv) is a credit union;

(d) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario having a paid-up capital of less than \$100,000.

Hotels
operated by
railway.

13. In addition to the taxes imposed by sections 5 and 11, every incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario, shall for every fiscal year of such company pay a tax of \$50 for each hotel owned, operated or used in Ontario.

Tax on net
income.

14.—(1) In addition to the taxes imposed in sections 10 and 12, and save as in this section otherwise provided, every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of two per centum calculated upon the net income of the incorporated company.

"Income"
defined.

(2) In this section "income" shall refer to the income earned during the fiscal year of every incorporated company and shall mean the net profit or gain, whether ascertained as being a fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business, directly or indirectly received by an incorporated company from any trade, manufacture or business, as the case may be whether derived from sources within Ontario or elsewhere; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from

SECTION 13. This is self-explanatory and corrects the discrimination against hotels owned by others than railway companies in the present Act.

SECTION 14. This section imposes a tax calculated on "net revenue" at 2 per centum rather than at 1 per centum as imposed by section 4 of the present Act.

Subsection 1. This is the taxing section and corresponds to subsection 1 of section 4 of the present Act.

Subsection 2. This is the definition of "net income" and corresponds to subsection 2 of section 4 of the present Act. It is extended, however, so that it is exactly similar to corresponding provisions of the Dominion Income Tax Act.

stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, and also the annual profit or gain from any other source including,—

- (a) the income from but not the value of property acquired by gift, bequest, devise or descent;
- (b) the income from but not the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon surrender of the contract;
- (c) personal and living expenses which form part of the profit, gain or remuneration of the incorporated company;
- (d) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that they are payable on account of the use or sale of any such property; and
- (e) annuities or annual payments received under the provisions of any will or trust irrespective of the date on which such will or trust became effective whether or not the annuities or annual payments are paid in whole or in part out of capital funds of the estate or trust and whether or not they are received at intervals separated by periods of a year or by longer or shorter periods.

Companies
not liable
to tax on
net income.

(3) The following incorporated companies shall not be liable to the tax imposed by this section:

Charitable
companies.

- (a) Any incorporated company which was incorporated for religious, charitable, agricultural or educational purposes and no part of the income of which is paid or payable to or inures to the personal profit of any shareholder thereof;

Companies
without
share
capital.

- (b) Any incorporated company which was incorporated without share capital;

Companies
operating
social clubs.

- (c) Any incorporated company which was incorporated to operate clubs, societies or associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which is paid or payable to or inures to the benefit of any shareholder thereof;

Subsection 3. This subsection groups all classes of companies which are exempt from tax calculated on net income and corresponds to subsections 5 and 6 of section 4 of the present Act. The exemptions are as nearly as possible those provided in the Dominion Income Tax Act. Banks, Insurance Companies, Railway Companies, Telegraph Companies, Telephone Companies, Express Companies and Companies operating sleeping, parlour or dining cars on railways are specially taxed under earlier provisions of this Act and are therefore exempt from the tax, calculated on net income imposed herein, although such companies are not so exempt under the Dominion Income Tax Act.

Business
and assets
situated
abroad.

(d) Any incorporated company,—

- (i) whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be held in Ontario, are situated entirely outside of Ontario, including wholly owned subsidiary companies which are solely engaged in the prosecution of the business outside of Ontario of the parent incorporated company; or
- (ii) whose business operations are of an investment or financial nature and carried on entirely outside of Ontario, and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other companies conforming to the requirements of subclause i, are situated entirely outside of Ontario; provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada with statutory head office in Ontario or under the laws of Ontario shall for the purposes of this subclause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;

Co-operative
companies.

(e) Any incorporated company which is organized and operated on a co-operative basis and which,—

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
CHICAGO, ILLINOIS
JANUARY 1921

TO THE HONORABLE
COMMISSIONER OF THE GENERAL LAND OFFICE
WASHINGTON, D. C.

SIR:

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the application for a patent for the discovery of a new and improved method of treating certain classes of mineral lands.

The application is hereby acknowledged.

Very respectfully,
J. H. HARRIS

Professor of Chemistry
The University of Chicago
Chicago, Illinois

Enclosed for the Commissioner are two copies of the application for a patent for the discovery of a new and improved method of treating certain classes of mineral lands.

- (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or

(iv) is a credit union;

Companies
financing
co-operative
companies.

- (f) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is not liable to taxation under the provisions of clause e;

Transporta-
tion com-
panies oper-
ating outside
of Ontario.

- (g) Any incorporated company engaged in the business of transporting passengers or freight or both whose head office and entire transportation system is situated outside of Ontario;

Banks, insur-
ance com-
panies,
railways, etc.

- (h) Any incorporated company paying taxes under this Act as a bank, insurance company, railway company, express company, telegraph company, telephone company or car company; provided that an incorporated company operating a railway and deriving income from the operation of an hotel or hotels shall be taxable as provided by section 15; and

Personal
corporations.

- (i) Any incorporated company which is a personal corporation as defined in *The Income Tax Act* (Ontario).

Rev. Stat.,
c. 25.

Exemptions
and
deductions.

- (4) "Income" as hereinbefore defined, shall be subject to the following exemptions and deductions:

Depreciation
and exhaus-
tion.

- (a) Such reasonable amount as the Treasurer, in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair; and in the case of leases of mines, oil and gas wells and timber limits, the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer may apportion the deduction between them and his determination shall be final;

Depletion
between
lessor and
lessee.

- (b) Such reasonable rate of interest on borrowed capital used in the business as the Treasurer in his discretion

Interest on
borrowed
capital.

Subsection 4. This subsection groups all items which are to be deducted from "income" in determining the amount on which the tax payable is to be calculated.

Clauses *a*, *b* and *c* correspond to clauses *a*, *c* and *d* of subsection 3 of section 4 of the present Act. The wording of these deductions is extended to agree with similar provisions in the Dominion Income Tax Act.

may allow notwithstanding the actual rate of interest payable by the incorporated company, but to the extent that the rate of interest payable by the incorporated company is in excess of the amount allowed by the Treasurer, it shall not be allowed as a deduction and the rate of interest allowed shall not in any case exceed the rate stipulated for in the bond, debenture, mortgage, note, agreement or other similar document, whether with or without security, by virtue of which the interest is payable;

Donations
to charity.

- (c) Not more than ten per centum of the net taxable income of any incorporated company which has been actually paid by way of donation within its fiscal year to, and receipted for as such by, any charitable organization in Canada operated exclusively as such and not operated for the benefit or private gain or profit of any member or shareholder thereof or other person;

Payments
to super-
annuation
or pension
funds.

- (d) In the case of any lump sum payment made in Canada by any incorporated company on account of an employees' superannuation or pension fund or plan in respect of past services of employees, made in such manner that the sum is irrevocably charged for the benefit of the fund or plan, one-tenth of the lump sum payment in each of ten successive years, commencing in the year in which payment is made; provided that in the case of a lump sum payment heretofore made, a deduction of one-tenth thereof shall be allowed in the fiscal year ending in 1939 and in each fiscal year thereafter until ten years have elapsed from the year of the lump sum payment;

Dividends
from other
companies.

- (e) Dividends received by an incorporated company from another incorporated company to the extent that such dividends have been paid from net income which has been the subject of tax under this section, provided that in computing the proportional or fractional part of a dividend to be exempted from the income of the recipient incorporated company, as provided by this clause, the determination of the Treasurer shall be final;

Dividends
from foreign
subsidiaries.

- (f) Dividends received directly or through any other subsidiary company by an incorporated company incorporated under the laws of the Dominion of Canada or of any province of Canada (referred to in this clause as the "Canadian company"), the shares of which are held by the public, from a subsidiary company incorporated outside the Dominion of

Clause *d* is a new provision introduced to conform with a similar provision in the Dominion Income Tax Act and covers an allowance for payments to superannuation and pension funds.

Clause *e* corresponds to clause *b* of subsection 3 of section 4 of the present Act but limits the allowance granted by that clause to conform with the similar provision in the Dominion Income Tax Act whereby only dividends paid out of profits which have been taxed under this Act are deductible from the income of the recipient company.

Clause *f* is a new deduction introduced to conform with the similar provision in the Dominion Income Tax Act and relates to the deduction from "income" of dividends from foreign subsidiaries under certain circumstances.

Canada, the shares of which, with the exception of the directors' qualifying shares, are held by the incorporated company if the Treasurer is satisfied that at least seventy-five per centum of the combined capital of such Canadian company and all of its wholly owned subsidiary companies is employed directly or indirectly outside of Canada; provided that this exemption shall be allowed only if and to the extent that the country in which the subsidiary company is carrying on business grants substantially similar relief to companies incorporated therein in respect of dividends received from subsidiary companies carrying on business in Canada; provided further that the exemption allowed hereunder in any one fiscal year of such Canadian company shall be limited in the aggregate to an amount equal to the sum of the profits of the subsidiary company subject to income tax abroad in the fiscal year of and in the fiscal year next preceding the declaration of such dividend; provided further that in this clause "capital" shall mean all assets owned or employed in the business of the Canadian company and of all its wholly owned subsidiary companies, other than all inter-company obligations between such companies and goodwill;

Investment
income of
extra provin-
cial corpora-
tions.

- (g) That part of the income of any incorporated company, the head office of which is situated outside of Ontario, derived as interest on bonds and obligations of other incorporated companies and of governments, municipal and school corporations and as dividends from other incorporated companies.

Deductions
not allowed.

- (5) In computing the amount of income to be assessed, a deduction shall not be allowed in respect of,—

Expenses
not laid out
to earn
income.

- (a) any disbursement or expense not wholly, exclusively and necessarily laid out or expended for the purpose of earning income;

Capital
outlay or
losses, etc.

- (b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act;

Annual
value of
property.

- (c) the annual value of property, real or personal, except rent actually paid for the use of such property, used in connection with the business of an incorporated company to earn income;

Reserves,
contingent
accounts and
sinking
funds.

- (d) amounts transferred or credited to a reserve, contingent account or sinking fund, except such an

Clause *g* is a new provision introduced to allow a deduction from "income" of interest and dividends, received by a company with head office outside of Ontario, and conforms with a similar deduction allowed by the regulations under the present Act.

Subsection 5. This subsection groups all items which will not be allowed as a deduction from "income" and corresponds to subsection 4 of section 4 of the present Act. The provisions are extended to include all similar items disallowed under the Dominion Income Tax Act.

Clauses *a, b, d, e* and *i* correspond to clauses *a, b, c, d* and *f* of subsection 4 of section 4 of the present Act.

amount for bad debts as the Treasurer may allow and except as otherwise provided in this Act;

Carrying charges.

- (e) carrying charges or expenses of unproductive property or assets not acquired for the purposes of the trade or business of the incorporated company or of a liability not incurred in connection with the trade or business of the incorporated company;

Application of carrying charges.

- (f) carrying charges of property the income from which is exempt, except to the extent that such carrying charges exceed the exempt income;

Expenses payable to controlling company abroad.

- (g) any sums charged by any company or organization outside of Canada to a company incorporated under the laws of the Dominion of Canada or of any province of Canada in respect of management fees or services or for the right to use patents, processes or formulae presently known or yet to be discovered, or in connection with the letting or leasing of anything used in Canada, irrespective of whether a charge or price is agreed upon or otherwise, if the company or organization to which such sums are payable, or the company incorporated under the laws of the Dominion of Canada or of any province of Canada is controlled directly or indirectly by any company or group of companies or persons within or without Canada which are affiliated one with the other by the holding of shares or by agreements or otherwise; provided that a portion of any such charges may be allowed as a deduction if the Treasurer is satisfied that the charges are reasonable for services actually rendered or the use of anything actually used in Canada;

Dividends on income bonds or income debentures.

- (h) the distribution of earnings by any incorporated company to holders of its income bonds or income debentures; provided that in cases where such income bonds or income debentures have been issued or the income provisions thereof have been adopted since the close of the fiscal year of the incorporated company ending in 1930, in consequence of an adjustment of previously existing bonds or debentures bearing an unconditional fixed rate of interest, which adjustment, to the satisfaction of the Treasurer, was occasioned by financial difficulties of the debtor incorporated company or its predecessor and was intended to afford some relief to such debtor incorporated company or its predecessor, then the provisions of this subclause shall not apply; or

Clauses *c*, *f* and *h* are introduced to conform with similar provisions in the Dominion Income Tax Act and are self-explanatory.

Clause *g* is introduced to conform with a similar provision in the Dominion Income Tax Act, and is intended to prevent exorbitant management fees and expenses being charged against Canadian subsidiary companies by the parent companies abroad.

Tax paid to
Dominion of
Canada.

- (i) the amount of tax paid on account of net income to the Dominion of Canada and to any other jurisdiction including Ontario.

Limitation
of certain
expenses
charged
against
income.

- (6) The Treasurer may disallow as an expense the whole or any portion of any salary, bonus, commission, director's fee or other charge which in his opinion is in excess of what is reasonable for the services performed.

Deduction
from tax on
income.

- (7) An incorporated company shall be entitled to deduct from the tax calculated upon net income which would otherwise be payable by it under this Act the amount of the tax calculated upon net income which was paid or payable during the fiscal year for which tax under this Act is imposed to the government of any province, state or country outside of Ontario with the exception of the tax paid to the Dominion of Canada, provided that such deduction shall not at any time exceed the amount of the tax which would otherwise be payable in respect of net income derived from sources within each such province, state or country, and provided that the net income derived from sources within each such province, state or country shall be determined in the following manner:

Ship trans-
portation
companies.

- (a) In the case of an incorporated company the business of which is that of ship transportation the amount of net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total amount of tonnage of its ships which operated during such fiscal year multiplied by the total number of times each such ship called at any port during such fiscal year plus the total amount of tonnage of its ships which did not operate during such fiscal year;

Other trans-
portation
companies.

- (b) In the case of an incorporated company the business of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of net income which shall be deemed to have been derived from sources within each such province, state or

Subsection 6. This corresponds to clause *e* of subsection 4 of section 4 of the present Act.

Subsections 7 and 8. These provide for the deduction of any tax calculated on net income and payable to any other jurisdiction than Ontario, except the Dominion of Canada, from the tax calculated on net income otherwise payable to Ontario under this Act. The amount of such deduction is limited as set out in the following clauses, such limit being based on the proportionate amount of business transacted by the company involved in the jurisdiction in which it is subject to tax. These provisions are presently effective pursuant to the regulations covering the application of the present Act.

country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the number of miles travelled by its buses, trucks or aircraft during the fiscal year of such company in each such province, state or country bears to the total number of miles travelled by its buses, trucks or aircraft during such fiscal year;

Companies
dealing in
fixed assess-
ments.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent or which merely holds assets or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

All other
incorporated
companies.

- (d) In the case of every other incorporated company, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the gross sales made to or the gross revenue received from customers residing in each such province, state or country excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations bear to the total gross sales made or gross revenue received, excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations;

Income from
foreign
investments.

- (e) In the case of any incorporated company having its statutory head office in Ontario, any part of whose

THE [illegible] OF [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

net income consists of dividends and interest from investments in the shares and bonds of other incorporated companies and of governments, municipal and school corporations, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

Evidence
required.

(8) Any such deduction shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer of the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of net income.

Railway
hotels, —
tax on
income.

15. In addition to the taxes imposed by sections 5, 11 and 13 any incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall pay a tax of two per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

How tax to
be deter-
mined.

16. Unless otherwise provided in this Act, any tax imposed by this Act shall be determined upon the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of such tax is to be ascertained as such stock, mileage or other subject stood at the end of the fiscal year of the company for which the tax is imposed, provided that, in reference to the number of places of business, the number shall be the maximum number opened during such fiscal year and provided further that in reference to gross premiums of insurance companies and the net income of incorporated companies the amount on which any tax imposed by this Act shall be calculated shall be the gross premiums received or the net income earned during the fiscal year of the company for which the tax is imposed.

Company to
file annual
return.

17.—(1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends four months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario

SECTION 15. This is self-explanatory and corrects the discrimination against hotels owned by others than railway companies in the present Act.

SECTION 16. This section corresponds to sections 6 and 7 of the present Act and is self-explanatory.

SECTION 17. This section corresponds to section 8 of the present Act except that it provides that returns shall be filed within four months of the close of the fiscal year of each company involved, rather than within six months as at present.

authorized by the Treasurer to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purposes of carrying out the provisions of this Act.

Verification
of returns.

(2) The return shall be verified by a certificate certifying that the financial statements included in the return or attached thereto are in agreement with the books of the company and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require.

Return of
dividends.

(3) In addition to the return required by subsection 1, every company from which a return is required by subsection 1 shall, on or before the 15th day of the month which ends three months following the close of the fiscal year of such company, deliver to the Treasurer a return of all dividends and bonuses paid to shareholders and members, and such return shall be in the form prescribed by the Lieutenant-Governor in Council.

Penalty for
default.

18.—(1) When any company is in default in complying with the provisions of subsection 1 of section 17, such company shall be liable to a penalty of five per centum of the tax payable by such company; provided that such penalty shall not in any case exceed \$500.

Idem.

(2) When any company is in default in complying with the provisions of subsection 3 of section 17, such company shall be liable to a penalty of \$10 for each day of such default; provided that such penalty shall not in any case exceed \$50.

Failure to
complete
return.

(3) When any company fails to complete the information required on the return prescribed by the Lieutenant-Governor in Council under subsection 1 of section 17, such company shall be liable to a penalty of one per centum of the tax payable by it; provided that such penalty shall not in any case be less than \$1 and shall not in any case exceed \$20.

False
statement.

(4) For every false statement contained in any return made or any information furnished to the Treasurer by any person, such person shall be liable to a penalty not exceeding \$10,000 or to imprisonment for six months or to both fine and imprisonment.

Time for
making
return.

19. The Treasurer may, before or after the time for making it, enlarge the time for making any return.

Subsection 3 of this section provides for a new return to be filed two and a half months following the close of the fiscal year of the company involved setting forth the amounts of dividends paid. This is a similar information return to that required by the Dominion Income Tax Act.

SECTION 18. This section corresponds to section 11 of *The Corporations Tax Act*. The amounts of the penalties are altered to agree exactly with those imposed by the Dominion Income Tax Act.

SECTION 19. This section is the same as section 12 of *The Corporations Tax Act*.

Taxes, —
when to
accrue.

20.—(1) The taxes imposed by this Act shall be deemed to be due on the last day of the fiscal year of the company for which such taxes are imposed and shall be payable on or before the last day of the month which ends four months from the close of such fiscal year.

Tax to be
forwarded
with return.

(2) Every company on which a tax is imposed by this Act shall send with the return required by subsection 1 of section 17, not less than one-third of the amount of the tax payable as estimated by the company in the return and may pay the balance of such tax within four months thereafter together with interest at the rate of five per centum per annum upon such balance calculated from the last day prescribed for making such return until the date of payment.

Where less
than one-
third of tax
paid.

(3) When any company on which a tax is imposed by this Act pays less than one-third of the amount of the tax payable as estimated by the company in the return or fails to make any payment on or before the date on which the tax is payable, or fails to pay the balance of the tax as estimated by the company in the return, within four months thereafter, the company shall pay, in addition to the interest at five per centum per annum, provided by subsection 2, interest at the rate of three per centum per annum upon the deficiency calculated from the date of default until the date of payment.

Returns
examined.

21.—(1) The returns received by the Treasurer shall with all possible despatch be checked and examined.

Demand for
additional
information.

(2) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information, or a return from any company which has not made a return or a complete or sufficient return, he may by registered letter, demand from such company, or from the president, manager, secretary, agent or representative thereof such information, additional information or return and the company, president, manager, secretary, agent or representative upon whom such a demand is made shall deliver to the Treasurer such information, additional information or return within thirty days of the mailing of such registered letter.

Production
of letters,
accounts,
etc.

(3) The Treasurer may, by registered letter, require the production under oath or otherwise, by any such company or the president, manager, secretary, agent or representative of such company, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion of the income of any such company, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

SECTION 20. This section corresponds to section 9 of *The Corporations Tax Act*.

Subsection 1 provides for the taxes imposed to be payable within four months, rather than six months as in section 9 of the present Act, from the close of the fiscal year of the company.

Subsection 2 permits the payment of one-third of the tax on or before the date when the tax is payable and the balance together with interest thereon at five per centum per annum within four months thereafter.

Subsection 3 provides additional interest at three per centum per annum on the amount of any instalment underpaid.

This section reduces the penalty for late payment of the tax from one per centum per month to three per centum per annum.

SECTION 21. This section corresponds to section 13 of *The Corporations Tax Act*.

Subsection 1. This is the same as subsection 1 of the present section.

Subsections 2 to 9. These replace subsections 2 to 10 of the present section. These subsections are identical with corresponding sections of the Dominion Income Tax Act and provide machinery whereby the Treasurer may verify that the taxes paid or payable are correctly calculated.

Production
of evidence
to prove tax
payable by
another
company.

(4) The Treasurer may, by registered letter, require production, under oath or otherwise, by any person, partnership, syndicate, trust or company, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or company or of his or its agent, for the purpose of determining what tax, if any, is payable by any other company and production shall be made within thirty days of the mailing of such registered letter.

Books of
account to
be kept.

(5) If any company fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax payable under this Act, the Treasurer may require such company to keep such records and accounts as he may prescribe.

Penalty.

(6) For every default in complying with the provisions of subsections 2 to 5 the company or persons, or both, in default shall jointly and severally be liable to a penalty of \$25 for each day during which the default continues.

Compliance
of Treasurer
to be proved
by affidavit.

(7) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with the provisions of this section as well as the failure of any person, partnership, syndicate, trust, incorporated company or other company to comply with the requirements of this section shall be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department of Ontario.

Inquiry as
to paid-up
capital,
income, etc.

(8) Any officer authorized by the Treasurer may make such inquiry as he may deem necessary to ascertain the paid-up capital, net income or other subject of any company, and for the purposes of such inquiry, such officer shall have all the powers and authority of a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Treasurer
not bound
by returns.

(9) No return or information supplied by or on behalf of any company shall be binding upon the Treasurer, and notwithstanding any such return or information, or in the absence of any return or information, the Treasurer may determine the amount of the tax to be paid by any company.

Notice of
assessment.

(10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, and subject to the provisions of section 20, such additional tax

Subsections 10 to 13. These are the same as subsections 11 to 14 of the present section except that the penalty for late payment of any additional tax found to be due is reduced from one per centum per month to three per centum per annum.

This section is identical with corresponding sections of the Dominion Income Tax Act except that in subsection 12 interest at three per centum per annum is allowed on overpayments of tax calculated from six months after the overpayment was made.

shall bear interest at the rate of five per centum per annum calculated from the last day prescribed for making such return to the date of payment.

Penalty for
non-payment
of additional
tax.

(11) If any company fails to pay such additional tax and interest within one month from the date of the mailing of the notice of assessment, the company shall pay, in addition to the interest provided by subsection 10, interest at the rate of three per centum per annum upon the additional tax calculated from the expiry of the period of one month from the date of the mailing of the notice of assessment to the date of payment; provided that notwithstanding the date of the mailing of any notice of assessment, the additional rate of interest provided herein shall not commence to accrue earlier than the last day of the month ending eight months following the close of the fiscal year of such company.

Refund.

(12) The Treasurer may refund at, prior to or after issue of the notice of assessment, any overpayment of tax, interest or penalties made by the company, provided application in writing is made therefor by the company within six months of the date of the payment of the tax or the date on which the notice of assessment was issued, and any refund of tax made under this subsection may be paid with interest at the rate of three per centum per annum thereon calculated from six months after the time the tax first became overpaid, provided that no interest shall be paid where the refund of tax made is less than \$50.

Confirma-
tion of
liability of
tax.

(13) Notwithstanding any prior assessment or if no assessment has been made the company shall continue to be liable for any tax imposed by this Act and to be assessed therefor and the Treasurer may at any time assess, re-assess or make additional assessments upon any company for tax and penalties.

Notice of
appeal.

22.—(1) Any company which objects to the amount at which it is assessed, or which considers that it is not liable to taxation under this Act, may by itself or by its solicitor, within one month after the date of the mailing of the notice of assessment provided for in subsection 10 of section 21, serve a notice of appeal upon the Treasurer.

Notice in
writing.

(2) Such notice of appeal shall be in writing and shall be served by mailing the same by registered post addressed to the Treasurer.

Form of
notice of
appeal.

(3) Every such notice shall, as closely as may be, follow the form contained in the First Schedule of this Act, and shall set out clearly the reasons for appeal and all facts relative thereto.

SECTIONS 22 to 33. These sections institute provisions whereby a company may appeal an assessment made by the Treasurer. The manner in which such appeal may be made is clearly set out in the sections. These sections are exactly the same as the corresponding sections in *The Income Tax Act* (Ontario).

Decision to
affirm or
amend
assessment.

23. Upon receipt of the said notice of appeal the Treasurer shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant company of his decision by registered post.

Notice of
dissatisfac-
tion respect-
ing the
decision.

24.—(1) If the appellant company, after receipt of the said decision, is dissatisfied therewith, it may, within one month from the date of the mailing of the said decision, mail to the Treasurer by registered post, a notice entitled,—

THE CORPORATIONS TAX ACT, 1939

NOTICE OF DISSATISFACTION

In re the appeal of.....of the
.....of.....in the
Province of.....

stating that it desires its appeal to be set down for trial.

Statement
with notice.

(2) The appellant company shall forward therewith a final statement of such further facts, statutory provisions and reasons which it intends to submit to the court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

Security.

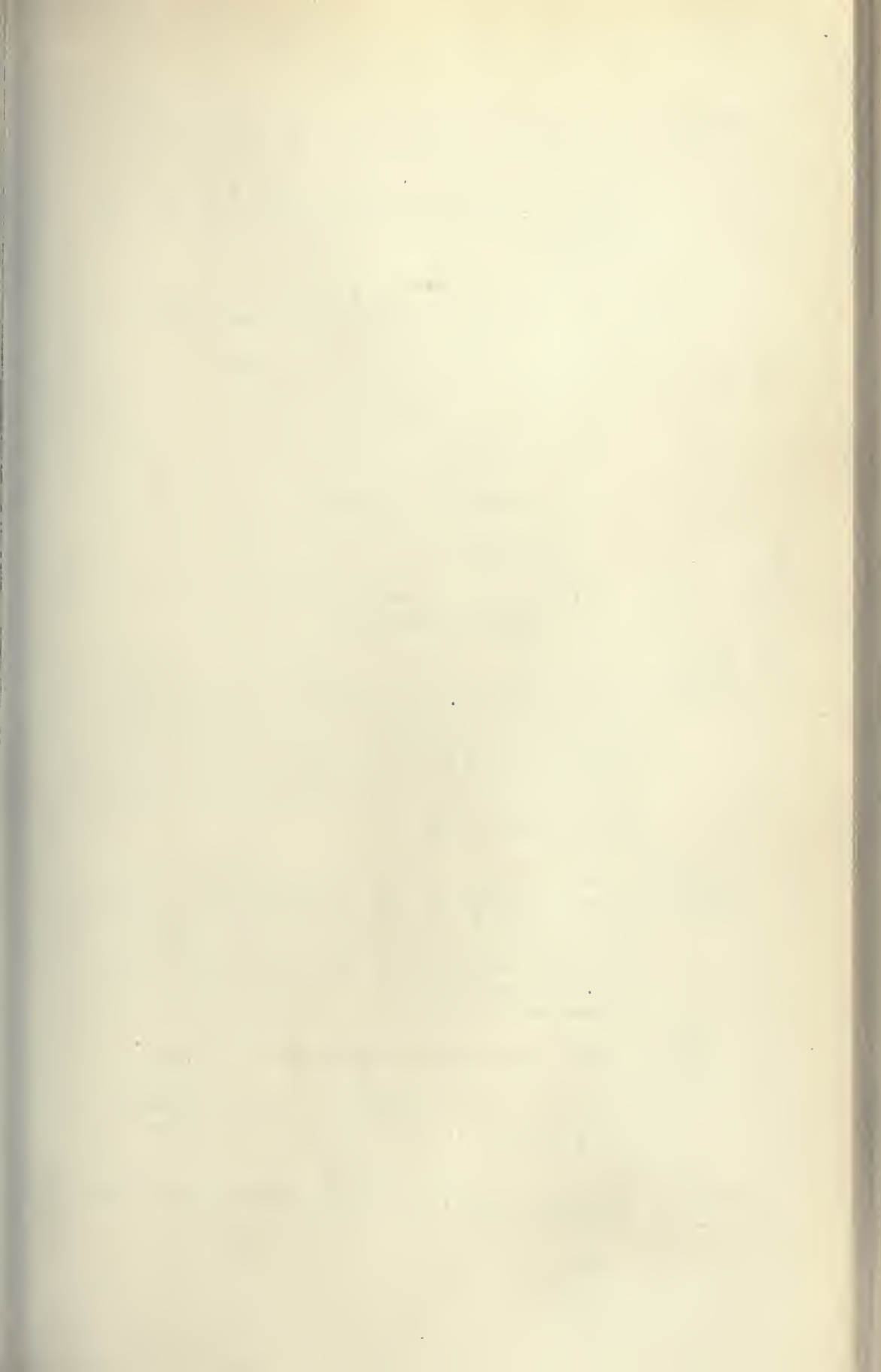
25.—(1) The appellant company shall thereupon give security in a sum not less than the total of the amount of \$400 and the amount equal to fifty per centum of the amount of the assessment for the costs of the appeal in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant company may pay into court a sum not less than the total of the amount of \$200 and the amount equal to fifty per centum of the amount of the assessment in which case such company shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment.

Proceedings
voided.

(2) Unless such security is furnished by the appellant company within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

Decision
upon receipt
of statement
of facts.

26. Upon receipt of the said notice of dissatisfaction and statement of facts, a reply thereto shall be mailed by registered post admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.



Copy of documents to be filed.

27.—(1) Within two months from the date of the mailing of the said reply, the Treasurer shall cause to be transmitted to the registrar of the Supreme Court of Ontario or the local registrar of the said Court for the county or district in which the appellant company has its head or other office or transacts business, to be filed in the said Court, copies of the following documents:

- (a) The Corporations Tax Return of the appellant company, if any, for the fiscal year under review;
- (b) The Notice of Assessment appealed;
- (c) The Notice of Appeal;
- (d) The Decision;
- (e) The Notice of Dissatisfaction;
- (f) The Reply; and
- (g) All other documents and papers relative to the assessment under appeal.

Matter deemed action.

(2) The matter shall thereupon be deemed to be an action in the said Court and shall be set down for trial forthwith by the registrar or local registrar as the case may be, and thereafter shall be proceeded with in the same manner as an action commenced in the said Court; provided that the Court or a judge may at any time prior to the commencement of the trial make such order relating to the delivery of pleadings as may be deemed proper.

Supreme Court practice to govern.

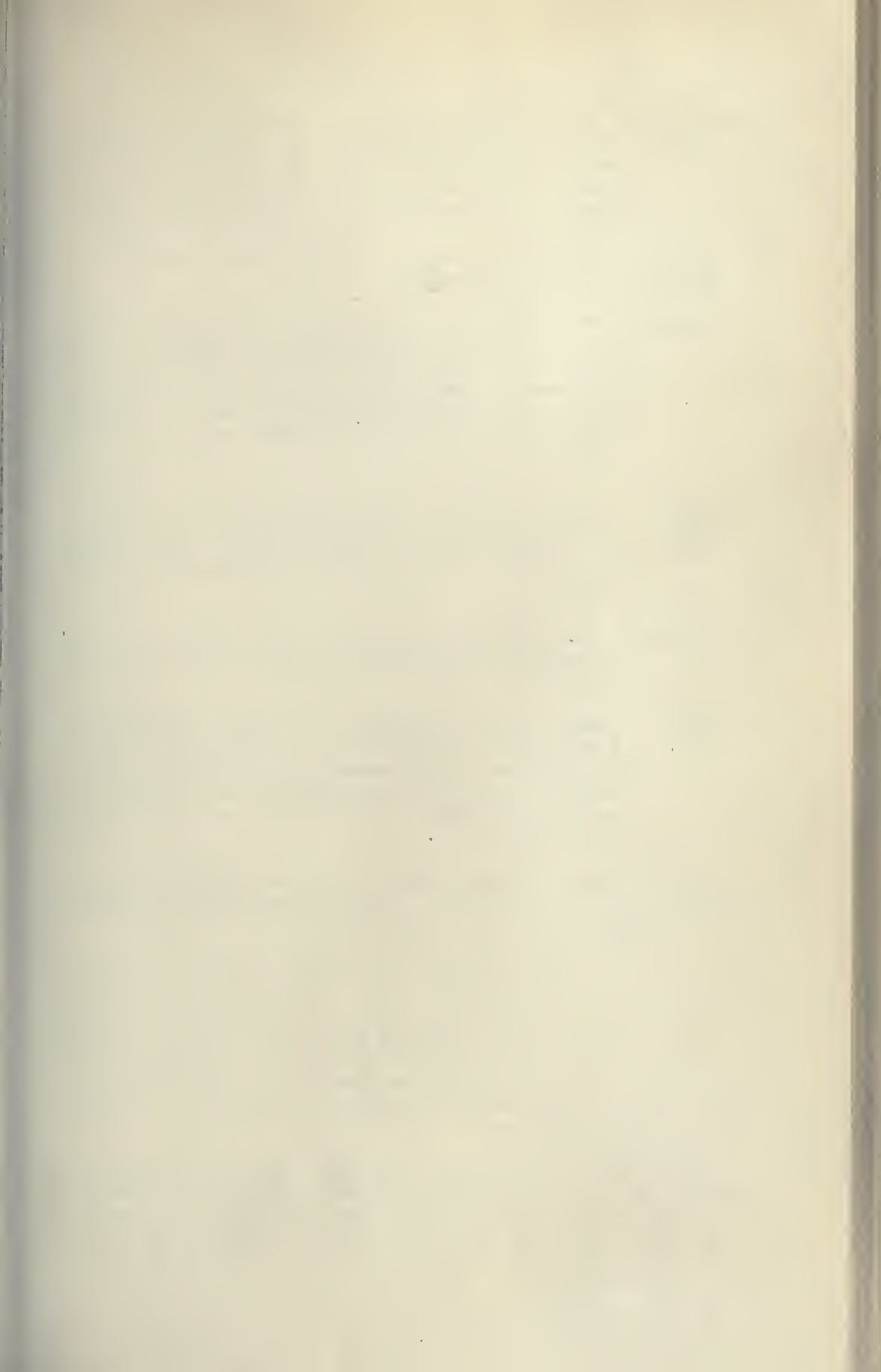
(3) The practice and procedure of the Supreme Court of Ontario, including the right of appeal and the practice and procedure relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the said Court.

Title of cause.

28. All subsequent proceedings shall be entitled:

In re *The Corporations Tax Act* and the appeal
of.....of.....in the
Province of.....

and notice and copies of all further proceedings shall be served upon the Treasurer.



Conditional
limitation
of evidence.

29.—(1) After an appeal has been set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the Court or a judge thereof may direct.

Matter may
be referred
back to
Treasurer.

(2) The Court may refer the matter back to the Treasurer for further consideration.

Jurisdiction
of Court.

30. Subject to the provisions of this Act, the Supreme Court of Ontario shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said Court may seem right and proper.

Irregulari-
ties not to
effect
validity of
assessment.

31. An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Proceedings
in camera.

32. Proceedings before the Supreme Court of Ontario hereunder shall be held in camera upon request made to the Court by any party to the proceedings.

Right of
appeal
barred.

33. If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the company assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.

Recovery of
penalty or
tax.

34.—(1) Upon default of payment by any company of any tax or penalty, or both, imposed upon such company by this Act,—

(a) The Treasurer may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;

(b) The Treasurer may issue a warrant in the form prescribed by the regulations and directed to the sheriff of any county or district in which any property of the company is located or situate, for the amount

SECTION 34. This section corresponds to sections 21 and 23 of *The Corporations Tax Act*.

Subsection 1 provides three methods by which the Treasurer may collect the taxes and penalties imposed.

of the tax, interest and penalty, or any of them, owing by the company to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court of Ontario;

- (c) The Treasurer or any officer authorized by him may enter upon the premises of the company or any other place in Ontario where the books or records of the company or any part of them are kept and make such investigation and examination as he may deem necessary, and may seize all or any of such books and records and may, by notice in writing, require that any person, partnership, syndicate, trust or corporation who may be indebted to such company shall pay such indebtedness to the Treasurer.

Penalties payable to Treasurer.

Rev. Stat., c. 136.

- (2) Except where otherwise specifically provided the penalties imposed by this Act may be recoverable under *The Summary Convictions Act* and shall be payable to the Treasurer of Ontario.

Remedies for recovery of tax and penalty.

- (3) The use of any of the remedies provided by this section shall not be a bar to or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of payment of any tax or penalty, or both, imposed by this Act shall be in addition to any other remedies existing by law, and no action or other proceeding taken shall in any way prejudice, limit or affect any lien, charge or priority existing under the provisions of this Act or otherwise.

Manner of serving notice.

- 35.**—(1) A notice under clause c of subsection 1 of section 34 may be served personally or by prepaid registered post addressed to such person, partnership, syndicate, trust or corporation at the address indicated in the books or records of the company and the receipt of payment of the amount of the indebtedness by the Treasurer shall constitute a good and sufficient discharge of the liability of such person, partnership, syndicate, trust or corporation to the company to the extent of the amount indicated in the receipt.

Liability of debtor.

- (2) Any person, partnership, syndicate, trust or corporation discharging any liability to a company owing taxes, penalties or both under this Act after the service of the notice referred to in subsection 1 shall be personally liable to the Treasurer to the extent of the amount of the liability discharged between such person, partnership, syndicate, trust or corporation and such company or to the extent of the amount of taxes, interest

Subsection 2 is self-explanatory.

Subsection 3 is self-explanatory.

SECTION 35. This section provides for the serving of a notice upon any debtor of a company which is in arrears of taxes and for the discharge of the liability of such debtor to the company to the extent of his payment to the Treasurer of taxes due by the company. This section provides similar remedies to those contained in the Dominion Income Tax Act.

and penalties owing under this Act by the company whichever is the lesser amount and the Treasurer shall have the same remedies for the recovery of such amount from such person, partnership, syndicate, trust or corporation as he has for the recovery from a company of a tax or penalty imposed upon it under this Act.

Priority
of tax.

36. Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay such tax or penalty or both and where any property of a company is real property or a mortgage or charge upon, interest in or claim to real property, such tax and penalty shall be a special lien on such real property in priority to every claim, privilege, lien or encumbrance of every other person.

Notice to be
given Treas-
urer of sale
of company's
goods, etc.

37.—(1) No person shall sell any goods, chattels, lands or tenements belonging to a company other than in the ordinary course of business unless he has given written notice by prepaid registered post to the Treasurer not less than ten days prior to the date of such sale.

Penalty.

(2) Every person who violates the provisions of subsection 1 shall, where there is any tax or penalty under this Act owing by such company, be liable to a penalty of not less than an amount equal to the amount for which such goods, chattels, lands or tenements were sold.

Compromis-
ing disputes
as to liabil-
ity for taxes.

38. If any doubt or dispute arises as to the liability of any company to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund the amount paid or any part thereof.

Penalty.

39. Every person who, and every company which violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and liable to a penalty of not less than \$50 and not exceeding \$500.

Regulations.

40. The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

SECTION 36. This section corresponds to section 22 of *The Corporations Tax Act* and is self-explanatory.

SECTION 37. This section provides for notice to be given to the Treasurer of bulk or other sale of any of a company's property other than in the ordinary course of business.

SECTION 38. This section is the same as section 24 of *The Corporations Tax Act*.

SECTION 39. This section is self-explanatory.

SECTION 40. This section corresponds to section 20 of *The Corporations Tax Act*.

- (b) prescribing the form of returns required to be made by this Act;
- (c) providing for the issuance of certificates as to the amount of taxes and penalties owing by any company under this Act and prescribing the fees payable therefor; and
- (d) generally for the better carrying out of the provisions of this Act.

Agreement
between
Treasurer
and
Minister.

41.—(1) Notwithstanding anything contained in this Act, upon the approval by the Lieutenant-Governor in Council of an agreement between the Treasurer and the Minister, and subject to its provisions, the Minister and the Commissioner of Income Tax are hereby authorized to exercise in the place and stead, on behalf of or as agent for the Treasurer and Controller of Revenue, such of the powers and duties imposed upon the Treasurer and the Controller of Revenue respectively under this Act as may be specified in the said agreement.

Expenses.

(2) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred by the Minister in carrying out the provisions of this Act.

Declarations
and
affidavits.

42. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Secrecy.

43.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding \$200.

Distribution
of one-half
the revenue
from railway
tax among
municipal-
ities.

44.—(1) There shall be set apart from the Consolidated Revenue Fund on the 31st day of December in each year a sum equal to one-half the receipts of the province during such year for taxes from railway companies under subsection 1 of section 5 after deducting therefrom the sum of \$30,000 and the sum so set apart shall, on the 31st day of December in each year, be credited to the cities, towns, villages and

SECTION 41. This section permits the Lieutenant-Governor in Council to approve of an agreement between the Treasurer and the Minister of National Revenue whereby the taxes imposed by this Act may be collected for and on behalf of the Treasurer by the Dominion Income Tax Department.

SECTION 42. This section is self-explanatory.

SECTION 43. This section is the same as section 26 of *The Corporations Tax Act*.

SECTION 44. This section is the same as section 25 of *The Corporations Tax Act*.

organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding Dominion census, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this Act.

Fixing
amounts.

(2) The Lieutenant-Governor in Council may fix the amount per head of the population to be so credited without allowing for fractions of a cent.

Debiting
municipali-
ties with
cost of main-
tenance of
patients.

Rev. Stat.,
c. 392.

(3) Against the amount so credited there shall be charged, as a contribution towards his maintenance, a sum amounting to ten cents per patient per day for each patient belonging to the municipality maintained for the whole or any part of such year in any institution within the meaning of *The Mental Hospitals Act*, other than the Ontario Hospital, Woodstock, such charge to be made only in respect of patients on account of whose maintenance the Province is not in receipt from any source of \$1.50 per week or more.

Determining
liability of
municipality
to contribute
to mainten-
ance of
patients.

(4) All questions as to the liability of a municipal corporation to such charge shall be determined by an officer designated for that purpose by the Minister of Health, whose decision may at any time and from time to time be varied or cancelled by himself or by any other officer designated by the Minister of Health, and the certificate of the Minister of Health declaring the amount of such charge shall be accepted and acted upon by the Provincial Auditor without further evidence as determining the amount to be deducted under subsection 3.

Payment of
balance.

(5) The balance remaining at the credit of each municipal corporation after deducting such charge shall be forthwith paid by the Treasurer to the corporation.

Names of
patients to
be sent to
municipali-
ties.

(6) The name of every patient in respect of whom the charge is made shall be furnished annually to the municipal corporation but shall not be published in its accounts unless the council so directs.

Application
of Rev. Stat.,
c. 29 and
this Act.

45.—(1) The provisions of *The Corporations Tax Act* shall apply to companies in respect of all fiscal years ending before or during 1938 and the provisions of this Act shall apply thereafter provided that the provisions of this Act relating to the collection of taxes shall apply to the collection of taxes payable under *The Corporations Tax Act*, and provided further that every company the fiscal year of which ended between the 1st day of November, 1938, and the 31st day of December, 1938, shall,—

Proviso.

SECTION 45. This section provides for the dates upon which this Act will become effective.

(a) deliver the returns required by *The Corporations Tax Act* in respect of the fiscal year ending within such period to the Treasurer on or before the 30th day of April, 1939; and

(b) pay the taxes imposed by *The Corporations Tax Act* for such fiscal year on or before the 30th day of April, 1939;

and the penalties imposed by subsection 2 of section 9 and subsection 1 of section 11 of *The Corporations Tax Act* shall apply to such companies as from the 30th day of April, 1939.

Certain sections and subsections of Rev. Stat., c. 29, repealed.

(2) Subject to the provisions of subsection 1, sections 1, 2, subsections 1 to 12 and 19 to 21 of section 3, sections 4 to 13 and sections 20 to 26 of *The Corporations Tax Act* are repealed.

Commencement of Act.

46. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

47. This Act may be cited as *The Corporations Tax Act, 1939*.

FIRST SCHEDULE

In re *The Corporations Tax Act, 1939*.....
 of the.....of.....
 Province of.....
 (Name of taxpayer)
 (Address)
 Appellant.

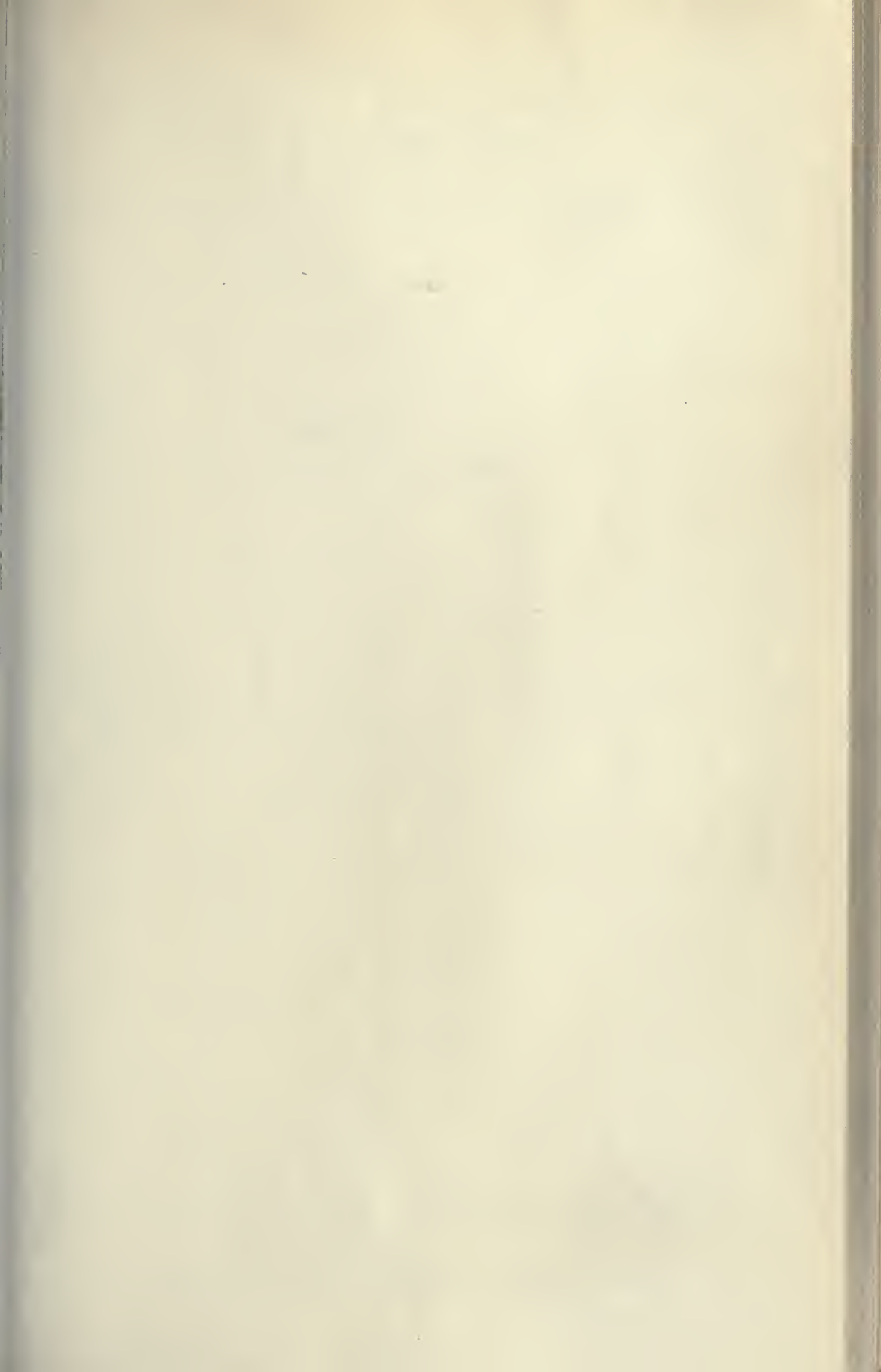
Notice of Appeal is hereby given from the assessment bearing date the.....day of.....19...., wherein a tax in the sum of \$.....levied in respect of income for the taxation year 19....

Then follow with,—

1. Full statement of facts;
2. Full statement of reasons for appeal.

Dated this.....day of.....19....

.....
 (Signature)



The Corporations Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

3rd Reading

MR. LEDUC

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Corporations Tax Act, 1939.

MR. LEDUC

BILL

The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

"Bank."

(a) "Bank" shall mean a corporation or joint stock company wherever incorporated for the purpose of doing a banking business or the business of a savings bank which transacts such business in Ontario, whether the head office is situate in Ontario or elsewhere;

"Commis-
sioner of
Income
Tax,"
R.S.C.,
c. 137.

(b) "Commissioner of Income Tax" shall mean the officer appointed by the Governor in Council pursuant to the provisions of the *Department of Revenue Act* (Canada);

"Company."

(c) "Company" shall include bank, extra-provincial company, insurance company and incorporated company;

"Controller
of
Revenue."

(d) "Controller of Revenue" shall mean the Controller of Revenue for the Province of Ontario appointed by the Lieutenant-Governor in Council;

"Divi-
dends."

(e) "Dividends" shall include stock dividends;

"Extra-
provincial
company."

(f) "Extra-provincial company" shall mean an incorporated company which has its head office elsewhere than in Ontario;

"Head
office."

(g) "Head office" shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business;

"Income
bond";
"income de-
benture."

(h) "Income bond" and "income debenture" shall mean respectively a bond and debenture, the interest or dividend on which is payable only when the debtor company has made a profit before taking into account

EXPLANATORY NOTES

GENERAL. This Bill re-enacts those portions of *The Corporations Tax Act* relating to the taxation of corporations, excluding those provisions therein, which impose a tax on the sale and transfer of securities, and a tax on Race Tracks. Two separate Bills, *The Security Transfer Tax Act, 1939*, and *The Race Tracks Tax Act, 1939*, are being introduced to re-enact provisions for the imposition of the latter taxes.

This Bill includes as ordinary incorporated companies for taxation purposes loan companies, trust companies, gas and electric companies. Formerly the classes of companies mentioned were subject to special taxes different from those imposed on ordinary companies.

The rate of tax payable by ordinary companies calculated on paid-up capital is reduced from 1/10 of 1 per centum to 1/20 of 1 per centum and that calculated on net income is raised from 1 per centum to 2 per centum.

The provisions with respect to the calculation of net income subject to tax are identical with similar provisions respecting companies in the Dominion Income Tax Act with the exception of necessary variations therefrom, where the provisions of the Dominion Act are not suitable for Ontario.

Authority is provided to permit an agreement to be made between the Minister of National Revenue and the Treasurer of Ontario, whereby the Dominion Income Tax Department may act as agent for the Province to collect the taxes imposed by this Act.

SECTION 1. This section provides for interpretation of various words and expressions used in the Act. The definitions are the same as in Section 1 of the present Act with the following exceptions:

Clause (b). This is self-explanatory.

Clause (c). "Company" is defined to include every class of corporation and association so that when all classes of corporations are intended to be covered by a provision, each separate class does not need to be mentioned.

Clause (d). This is self-explanatory.

Clause (e). This is included for uniformity with Dominion Income Tax Act.

Clause (h). This is included for uniformity with Dominion Income Tax Act.

the interest or dividend obligation on such bond or debenture;

"Insurance company."

- (i) "Insurance company" shall include life, fire, ocean or inland marine, inland transportation, accident, plate-glass, automobile, steam boiler and burglary insurance companies, guaranty, surety and casualty companies and underwriters and syndicates of underwriters operating on the plan known as Lloyds, which transact business or undertake risks on lives or property in Ontario or are licensed under *The Insurance Act*, but shall not include mutual insurance companies, insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario;

Rev. Stat.,
c. 256.

"Incorporated company."

- (j) "Incorporated company" shall include corporation and association however and wherever incorporated and where any such corporation or association, or the whole or any part of the property thereof, is placed in the hands or under the control of an agent, assignee, trustee, liquidator, receiver or other official shall include such agent, assignee, trustee, liquidator, receiver or other official but shall not include any incorporated company owning, operating or using a race track and holding a race meeting;

"Minister."

- (k) "Minister" shall mean the Minister of National Revenue appointed under the provisions of the *Department of National Revenue Act* (Canada);

R.S.C.,
c. 137.

"Property."

- (l) "Property" shall include money, goods, things in action, land and property of every description, whether real or personal, legal or equitable, and every interest or profit, present or future, vested or contingent in, arising out of or incident to property;

"Railway."

- (m) "Railway" shall include a railway and part of a railway in Ontario operated in whole or in part by steam, electricity or other motive power, constructed and operated on highways or on land owned by the company owning or operating it, or partly on highways and partly on such land, but shall not include a street railway constructed or operated in whole or in part upon or along a highway under or by virtue of an agreement with, or by-law of a city or town;

"Regulations."

- (n) "Regulations" shall mean regulations made under the authority of this Act;

"Transacting business in Ontario."

- (o) "Transacting business in Ontario" shall include the transaction of any business obtained in Ontario by a company through its own office or branch in Ontario

Clause (i). This is substantially the same as the present definition, except that the words "underwriters operating on a plan known as Lloyds" are included to make the definition consistent with the practice of the department.

Clause (j). This is substantially the same as clause (e) of section 1 of the present Act.

Clause (k). This is self-explanatory.

Clause (l). This is necessary to clarify the meaning of the word used in other sections of the Act.

Clause (m). This is a combination of clauses (i) and (j) of section 1 of the present Act.

Clause (n). This is self-explanatory.

Clause (o). This is included to render the Act consistent with the practice of the Department. This definition expresses substantially the least activity permitted to an extra provincial company which under *The Extra Provincial Corporations Act* renders it liable to take out a license to transact business in Ontario.

and shall also include the transaction of any business obtained by an extra-provincial company through the efforts of any other company or any firm, broker, agent or other person which has an office in or is a resident of Ontario when such company, firm, broker, agent or other person acts as the representative or agent of, or in any other capacity for such extra-provincial company, but shall not include the taking of orders for or the buying or selling of goods, wares or merchandise by travellers or by correspondence if no business is obtained through the efforts of any company, firm, broker, agent or other person which has an office in or is a resident of Ontario;

"Treasurer." (p) "Treasurer" shall mean the Treasurer of Ontario.

Taxes payable.

2.—(1) Every company having its head office or other office in Ontario, or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay to His Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner hereinafter provided.

Fiscal year.

(2) For the purposes of this Act the Treasurer may determine the period of any fiscal year of any company in order to prevent any fiscal year from occupying a longer period than twelve months, provided that for every fiscal year of less than twelve months there may subsequently be a fiscal year of more than twelve months if the total period of both of such fiscal years does not exceed twenty-four months nor shall it be necessary that any fiscal year of a company shall occupy any substantial part of a year.

Incompleted fiscal year.

(3) Subject to the provisions of subsection 2, where a company ceases to have an office or to hold assets or to transact business in Ontario or the existence of which is terminated during any fiscal year, such company shall, in respect of such incompleted fiscal year, pay the taxes imposed by this Act in the same manner as though such fiscal year ended upon the date upon which it ceased to have an office or to hold assets or to transact business in Ontario or upon which its existence was terminated.

Banks.

3.—(1) Every bank shall for every fiscal year of such bank pay,—

On paid-up capital.

(a) a tax of one-fifth of one per centum on the paid-up capital stock thereof and one-tenth of one per centum on the reserve fund and undivided profits thereof;

On offices.

(b) an additional tax of \$3,000 for the principal office in Ontario and \$200 for each additional office, branch

SECTION 2. This section is substantially the same as subsection 1 of section 3 of the present Act except that the tax is to be payable for every fiscal year of the company rather than annually as at present. Subsections 2 and 3 of this section of the Bill describe fiscal year and provide for the present practice of the Department.

SECTION 3. This section is substantially the same as subsection 2 of section 3 of the present Act except the provision for a reduction in the office tax for bank offices opened less than 250 days during the year. This reduction is the present practice of the Department having been authorized by the regulations.

or agency in Ontario, provided that in the case of such additional offices, branches and agencies which were open during the fiscal year less than 250 days, one tax of \$200 shall apply for each 250 days or fraction thereof that all such offices, branches and agencies were open.

Reduction
in certain
cases.

(2) Where the head office of a bank is out of Ontario, and where it has not more than five offices, branches and agencies within Ontario, the Treasurer, having regard to the amount of business transacted in Ontario, may reduce the amount of the tax imposed by clause *a* of subsection 1, but such tax shall in no case be less than one-tenth of one per centum calculated upon one-half of the paid-up capital stock.

Life insur-
ance
companies.

4.—(1) Every insurance company shall pay a tax in respect of life insurance premiums of one and three-quarters per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,—

- (a) considerations for annuities;
- (b) cash value of dividends paid or credited to policy holders;
- (c) premiums returned;
- (d) premiums received in respect of reinsurance assumed; and
- (e) premiums paid in respect of casualty reinsurance ceded to insurance companies licensed to transact business in Ontario.

Fire and
casualty
insurance
companies.

(2) Every insurance company shall pay a tax,—

- (a) in respect of fire insurance premiums of one and two-thirds per centum; and
- (b) in respect of premiums other than life or fire insurance premiums of two per centum,

calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,—

- (i) premiums returned;
- (ii) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;

SECTION 4. This section is substantially the same as subsection 3 of section 3 of the present Act.

- (iii) premiums received in respect of business written on the premium note plan; and
- (iv) cash value of dividends paid or credited to policy holders by mutual insurance companies.

Definition
of premiums
in respect of
business
transacted
in Ontario.

(3) In determining the amount of the tax payable under subsection 2 every premium which is, by the terms of the policy or renewal thereof, payable in respect of insurance of a person, or property resident or situate in Ontario at the time of payment whether or not,

- (a) such premium is earned wholly or partly within Ontario;
- (b) the business in respect of the policy is transacted wholly or partly within Ontario; or
- (c) the payment of such premium is made, wholly or partly within Ontario,

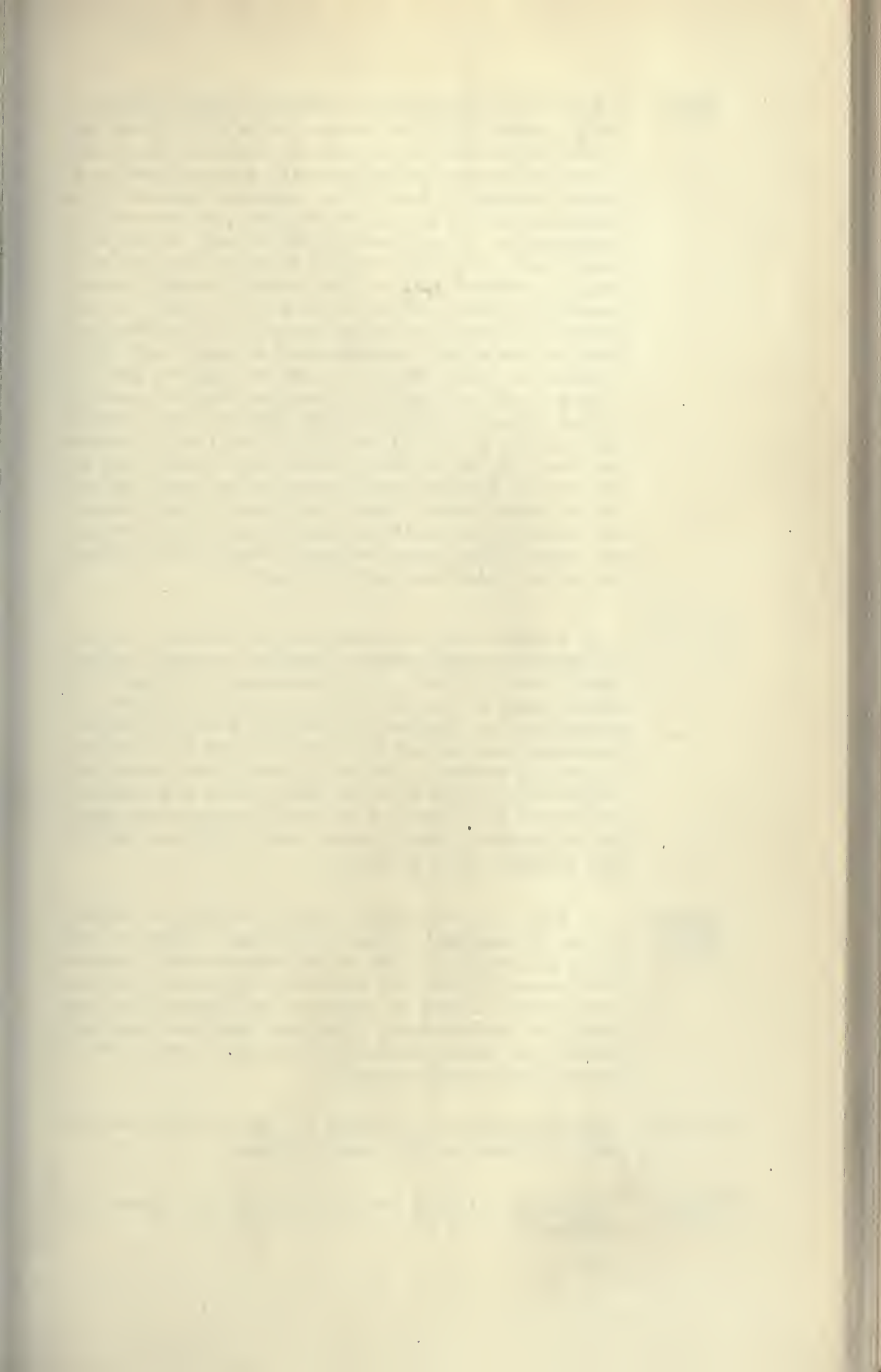
shall be deemed to be a premium in respect of business transacted in Ontario.

Unfair dis-
crimination.

(4) Where it is established to the satisfaction of the Lieutenant-Governor in Council that any country or any state of any country discriminates unfairly by imposing taxes, fees and other monetary obligations upon any insurance company or any particular class of insurance companies organized under the laws of Canada or of Ontario and having their principal offices in Ontario, which in the aggregate are in excess of comparable taxes, fees and monetary obligations imposed upon any similar company or class of companies incorporated under the laws of such country or state, the Lieutenant-Governor in Council may direct that any company or any class of companies incorporated under the laws of such country or state and which transact business in Ontario shall pay, in addition to the tax otherwise imposed by this Act, a tax not exceeding the equivalent of such excess, and such additional tax shall be recoverable in the same manner as any other tax imposed by this Act.

Fiscal year.

(5) For the purposes of this Act the fiscal year of every insurance company shall be deemed to end on the 31st day of December.



Railway
mileage.

5.—(1) Every incorporated company owning, operating or using a railway shall for every fiscal year of such company pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, owned, operated or used in any organized municipality in Ontario, and of \$40 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, in territory without municipal organization in Ontario, provided that an incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system does not exceed one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall, in lieu of such tax, pay a tax of \$15 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario, and, where the railway or system does not exceed thirty miles in length between such termini, a tax of \$10 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario.

Additional
tax.

(2) In addition to the tax imposed by subsection 1, every incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, exceeds one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall for every fiscal year of such company pay a tax of \$25 per mile for one track in Ontario, and, where the line consists of two or more tracks, of \$20 per mile for each additional track in Ontario.

Company
owning and
company
operating
liable.

(3) Both the incorporated company owning the railway and the incorporated company operating or using it shall jointly and severally be liable for the payment to the Treasurer of the amount of the taxes imposed by this section, but the total amount payable in respect of any railway shall not exceed the amounts above respectively mentioned, notwithstanding that the railway is owned, operated or used by more than one incorporated company.

Exception.

(4) The measurement of track for purposes of this section shall not include switches, spurs or sidings.

S. 44 not
to apply.

(5) Section 44 shall not apply to the tax imposed by subsection 2.

SECTION 5. This section is the same as subsections 6 and 7 of section 3 of the present Act.

Subsidiary
companies.

(6) Where an incorporated company owning, operating or using a railway, owns or controls other incorporated companies which are not taxable under the provisions of this section, such other incorporated companies shall be taxable under the provisions of such other sections of this Act as are applicable, without having regard to the taxes payable by their parent company under the provisions of this section.

Telegraph
companies.

On amount
invested.

6. Every incorporated company owning, operating or using a line or part of a line of telegraph within Ontario for gain, including every incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of one per centum upon the total amount of money invested by the incorporated company on such line or part thereof and the works and plant connected therewith; provided that an incorporated company owning and an incorporated company operating and using any such line or part thereof shall jointly and severally be liable for the payment of the said tax, but the total amount payable in respect of such line or part thereof and the works and plant connected therewith shall not exceed the total amount of tax imposed by this section notwithstanding that the line or part thereof is owned, operated or used by more than one company.

Telephone
companies.

7. Every incorporated company owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital as defined by subsection 2 of section 10 of \$100,000 or over shall for every fiscal year of such company pay a tax of three-eighths of one per centum calculated upon the paid-up capital stock thereof.

Express
companies.

8. Every incorporated company carrying on the business of an express company over a railway in Ontario, including an incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of \$800 for each one hundred miles or fraction thereof but in no case of more than \$10,000.

Car
companies.

9. Every incorporated company except any incorporated company owning, operating or using a railway, transacting in Ontario the business of operating, leasing or hiring sleeping, parlour or dining cars run upon or used by any railway within Ontario, shall for every fiscal year of such company pay a tax of one per centum calculated upon the money invested in such cars in use in Ontario.

Other incor-
porated
companies.

10.—(1) Save as in this section otherwise provided every incorporated company having its head or other office in Ontario

SECTION 6. This section is the same as subsection 8 of section 3 of the present Act.

SECTION 7. This section is the same as subsection 9 of section 3 of the present Act.

SECTION 8. This section is the same as subsection 11 of section 3 of the present Act.

SECTION 9. This section is the same as subsection 12 of section 3 of the present Act.

SECTION 10. This section imposes a tax calculated on "paid-up capital" at one-twentieth of one per centum rather than at one-tenth of one per centum as imposed by subsection 20 of section 3 of the present Act.

Tax on
capital.

or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon the paid-up capital thereof.

"Paid-up
capital," —
meaning of.

(2) In this section and in section 12 "paid-up capital" shall mean the paid-up capital as it stood at the close of the fiscal year and shall include the paid-up capital stock of the incorporated company, its earned, capital and any other surplus, all its reserves, whether created from revenue or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of section 14, all sums or credits advanced or loaned to the incorporated company by any other incorporated company, not including any bank, and all indebtedness of the incorporated company, whether assumed or undertaken by the incorporated company, represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property of the incorporated company or any of it is subject.

Exceptions.

(3) The following incorporated companies shall not be subject to the tax imposed by subsection 1:

Bank.

(a) Any bank;

Insurance
company.

(b) Any insurance company;

Railway.

(c) Any incorporated company owning, operating or using a railway except as provided by section 11;

Telegraph
company.

(d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario;

Telephone
company.

(e) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario;

Express
company.

(f) Any incorporated company carrying on the business of an express company over a railway in Ontario;

Car
company.

(g) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario;

Companies
with busi-
ness and
assets
abroad.

(h) Any incorporated company whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be

Subsection 1. This is the taxing section and corresponds to clause *a* of subsection 20 of section 3 of the present Act.

Subsection 2. This is the definition of "paid-up capital" and is substantially the same as clause *d* of subsection 20 of section 3 of the present Act, the phraseology having been slightly altered to bring the definition into accordance with the practice of the Department.

Subsection 3. This subsection groups all classes of companies which are exempt from tax calculated on paid-up capital.

Clauses *a* to *g* correspond to subclause xviii of clause *c* of subsection 20 of section 3 of the present Act.

Clauses *h* and *i* contain the wording used in similar clauses in the Dominion Income Tax Act and correspond to and have the same effect as subclause iv of the same clause *c* of the present subsection.

held in Ontario, are situated entirely outside of Ontario, including wholly-owned subsidiary companies which are solely engaged in the prosecution of the business outside of the province of Ontario of the parent incorporated company;

Idem.

- (i) Any incorporated company whose business operations are of an investment or financial nature and carried on entirely outside of Ontario and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other incorporated companies conforming to the requirements of this clause or of clause h, are situated entirely outside of Ontario, provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada or of the Province of Ontario, with head office in Ontario, shall for the purposes of this clause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;

Companies whose assets consist of shares, bonds, etc., of other companies.

- (j) Any incorporated company which maintains a head office or executive office or both in Ontario but the assets of which consist wholly of the shares and bonds of, and loans and advances to other incorporated companies and of bank deposits;

Companies in receivership or liquidator.

- (k) Any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee, and none of whose property is used either by the incorporated company or the liquidator, receiver or trustee in transacting any of the businesses or undertakings for which the company was incorporated;

Non-operating companies.

- (l) Any incorporated company which, in the opinion of the Treasurer, has not commenced to transact business or which, in the opinion of the Treasurer, has ceased to transact business;

Companies without share capital.

- (m) Any incorporated company which was incorporated without share capital;

Religious, social and educational companies.

- (n) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purposes of drainage, agriculture or colonization in Ontario and no part

Clause j corresponds to subclause v of clause c of the present subsection.

Clause k corresponds to subclause vi of clause c of the present subsection.

Clause l corresponds to subclause vii of clause c of the present subsection.

Clause m corresponds to subclause viii of clause c of the present subsection.

Clause n corresponds to subclauses ix and x of clause c of the present subsection.

of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;

Community
clubs.

- (o) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;

Co-operative
companies.

- (p) Any incorporated company which is organized and operated on a co-operative basis and which,—

(i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or

(ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost plus a reasonable amount for expenses and reserves; or

(iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or

(iv) is a credit union;

Companies
which finance
co-operative
companies.

- (q) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is exempt from taxation under the provisions of clause p;

Transporta-
tion com-
panies.

- (r) Any incorporated company transacting the business of transporting passengers or freight, or both, whose head office and entire transportation system is situated outside of Ontario and which, in the opinion of the Treasurer, maintains an office in Ontario only for the purpose of soliciting business for its system outside of Ontario and which, in the opinion of the Treasurer, does not sell transportation at its office situated in Ontario; provided that where any such

Clause *o* corresponds to subclause xiii and xiv of clause *c* of the present subsection.

Clauses *p* and *q* contain similar wording to that used in corresponding clauses in the Dominion Income Tax Act and replace subclause xii of clause *c* of the present subsection.

Clause *r* corresponds to subclause xv of clause *c* of the present subsection.

incorporated company does sell transportation at its office situated in Ontario, it shall pay a tax of \$50.

Exemptions
and deduc-
tions.

(4) Paid-up capital as hereinbefore defined shall be subject to the following exemptions and deductions:

Goodwill.

(a) Goodwill or other intangible thing included as an asset to the extent that such goodwill or other intangible thing, in the opinion of the Treasurer, has no value; provided that this exemption shall apply to no more than fifty per centum of the book value of such goodwill or other intangible thing;

Discount on
shares.

Rev. Stat.,
c. 251.

(b) Discount allowed on the sale of the shares of a company incorporated under Part XI of *The Companies Act*;

Investments.

(c) The amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a* and *b*, which the cost of the investments made by the incorporated company in the shares and bonds of other incorporated companies, in loans and advances to other incorporated companies and in the bonds, debentures and other securities of any government, municipal or school corporation bears to the total assets of the incorporated company remaining after the deduction of the exemptions provided by clauses *a* and *b*; provided that cash on deposit with any incorporated company doing the business of a savings bank and amounts due by a parent company with head office outside of Canada to a subsidiary company taxable by this section shall not be deemed to be loans and advances to other incorporated companies;

Capital held
in mine and
mill.

Rev. Stat.,
c. 28.

(d) In the case of an incorporated company engaged in mining which has not reached the production stage or the profits of which are insufficient to be assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act*, the amount invested in the plant and works necessary to and forming part of such mine and the amount invested in the plant and works necessary for the refinement of the ore taken from the mine

Subsection 4. This subsection groups all items which are to be deducted from "paid-up capital" in determining the amount on which the tax payable is to be calculated.

Clause *a* corresponds to subclause xvi of clause *c* of subsection 20 of section 3 of the present Act and provides for a maximum allowance for Goodwill which is in accordance with the present practice of the department.

Clause *b* provides for a deduction which is self-explanatory and is instituted to bring the Act into accordance with the practice of the Department.

Clause *c* corresponds to clause *b* of subsection 20 of section 3 of the present Act and provides for an allowance from "paid-up capital" for the investments of a company in the securities of and loans to other companies, thus obviating duplicate taxation, as well as in government securities.

Clauses *d* and *e* correspond to subclauses i, ii and iii of clause *c* of subsection 20 of section 3 of the present Act and make no change except phraseology in their provisions.

bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*;

Capital held
in mine sub-
ject to
mining tax.

Rev. Stat.,
c. 28.

- (e) In the case of an incorporated company engaged in mining the profits of which are assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act* and the amount invested in the plant and works necessary to and forming part of such mine bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; provided that where the exemption provided by this clause applies, the exemption provided by clause *d* shall not apply;

Real estate
companies.

- (f) In the case of any incorporated company whose only business is the holding of real estate for sale or rent or the owning of buildings used as hotels, apartment houses and for offices, or both, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from the operation of such business after depreciation but before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that where the exemption under this clause applies, none of the exemptions under clauses *a* to *e* shall apply;

Companies
in receiver-
ship.

- (g) In the case of any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee and whose property or any of it is used either by the company or the liquidator, receiver or trustee in carrying on any of the businesses or undertakings for which the company was incorporated, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from carrying on any of such businesses or undertakings after depreciation but before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that where the exemption under this clause

Clause *f* corresponds to subclause xix of clause *c* of subsection 20 of section 3 of the present Act and makes no change in its provisions

Clause *g* is a new provision whereby a company the property of which is under the control of a liquidator, receiver or trustee will be taxable on a reduced amount of paid-up capital but will not be entirely exempt as provided in clause *k* of subsection 3 of section 9 of this Bill if any of the property is used by such officials for any of the purposes for which the company was incorporated, unless such use results in a loss on operations.

applies, none of the exemptions under clauses *a* to *f* shall apply.

Deductions
from the
tax on
capital.

(5) An incorporated company shall be entitled to deduct from the tax calculated upon paid-up capital which would otherwise be payable under this section the amount of the tax calculated upon paid-up capital which was paid or payable during the fiscal year for which the tax under this section is imposed to the government of any province, state or country outside of Ontario, with the exception of any tax paid or payable to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of paid-up capital deemed to be used within each such province, state or country and provided that the paid-up capital deemed to be used within each such province, state or country shall be determined as follows:

Ship trans-
portation
companies.

(a) In the case of an incorporated company the business of which is that of ship transportation, the amount of the paid-up capital which shall be deemed to have been used within each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of the tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total of the amount of tonnage of its ships which operated during such fiscal year multiplied by the number of times each such ship called at any port during such fiscal year and the tonnage of its ships which did not operate during such fiscal year;

Transporta-
tion com-
panies.

(b) In the case of an incorporated company the business of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the number of miles travelled by its buses, trucks or aircraft during the

Subsections 5 and 6. These provide for the deduction of any tax calculated on paid-up capital and payable to any other jurisdiction than Ontario, except the Dominion of Canada, from the tax calculated on paid-up capital otherwise payable to Ontario under this Act. The amount of such deduction is limited as set out in the following clauses, such limit being based on the proportionate amount of business transacted by the company involved in each jurisdiction in which it is subject to tax. These provisions are presently effective pursuant to the regulations covering the application of the present Act.

fiscal year of such company in each such province, state or country bears to the total number of miles travelled by its buses, trucks, or aircraft during such fiscal year;

Real estate,
grain and
mining com-
panies.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; *d* or *e*; *f* or *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Other
companies.

- (d) In the case of every other incorporated company, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4 which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation.

Evidence
necessary.

- (6) Any deduction provided by subsection 5 shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer showing the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of paid-up capital.

Railway
companies
tax on
capital.

11. In addition to the tax imposed by section 5, every incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon that amount of capital of which the net income earned from the operation of such hotel or hotels, after depreciation but before deduction

SECTION 11. This is self-explanatory and corrects the discrimination against hotels owned by others than railway companies in the present Act.

of interest or dividends on any of the obligations of the incorporated company paid or payable with respect to any capital invested in such hotel or hotels, would be eight per centum.

Tax on
offices.

12.—(1) Save as in this section otherwise provided, every incorporated company having its head or other office in Ontario or which transacts business in Ontario shall for every fiscal year of such company pay a tax of \$50 for each office or place of business in Ontario, and every incorporated company which holds assets in Ontario but has no designated office or place of business, shall for every fiscal year of such company, in addition to all other taxes for which it may be liable, pay a tax of \$50.

"Office or
place of
business,"
defined.

(2) In this section "office or place of business" shall mean,—

- (a) The head office of an incorporated company except where such office not being the only office of such company, is maintained merely as a nominal head office, provided that the incorporated company transacts no business at such nominal head office;
- (b) The executive office of an incorporated company;
- (c) A building or part of a building or any property where an incorporated company carries on any of its operations;
- (d) A building, office, room or location where an incorporated company invites patronage either through its name being placed in public view on the property, or through a listing of its name in a telephone or other directory giving its address at a certain location, or through an advertisement in the press giving the name of the incorporated company and its address at a certain location;
- (e) The office or room of any company, firm, broker, agent or other person acting as the representative or agent of or in any other capacity for an incorporated company;
- (f) A permanent sample depot, where a representative of an incorporated company may display examples of its products which are for sale;
- (g) A depot where a representative of an incorporated company may buy materials for the use of such company; and
- (h) A depot for the distribution of goods.

SECTION 12. This section corresponds to subsection 21 of section 3 of the present Act, and continues the imposition of a tax of \$50 for each office or place of business of a company.

Subsection 1. This is the taxing section.

Subsections 2, 3 and 4. These are interpretive sections which are introduced to make the Act conform with the practice of the Department.

Acting for
more than
one com-
pany.

(3) Where a company, firm, broker, agent or other person is acting as the agent or representative of or in any other capacity for more than one incorporated company, each of such incorporated companies shall be deemed to be maintaining an office or place of business in the office or place of business of such company, firm, broker, agent or other person.

Exceptions.

(4) Offices or places of business defined by clauses *c*, *d*, *e*, *f*, *g* and *h* of subsection 2 shall be deemed separate offices and places of business only in such cases where each of them is located apart from the head office or executive office of the incorporated company.

Where no
tax payable.

(5) The following incorporated companies shall not be subject to any tax imposed by this section:

- (a) Any bank;
- (b) Any insurance company;
- (c) Any incorporated company owning, operating or using a railway except as provided by section 13;
- (d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario;
- (e) Any incorporated company transacting the business of an express company over a railway in Ontario;
- (f) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario;
- (g) Any incorporated company which was incorporated without share capital; and
- (h) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario and having a paid-up capital of \$100,000 or over.

Reduction
in tax.

(6) Any incorporated company having a paid-up capital of less than \$100,000 shall, for every fiscal year of such company in lieu of the tax imposed by subsection 1, pay a tax of one-twentieth of one percentum, calculated on the paid-up capital, for each office or place of business in Ontario provided that in no case shall the combined taxes imposed in sections 10 and 12 be less than \$20.

Tax payable
by certain
companies.

(7) Each of the following incorporated companies shall for every fiscal year of such company in lieu of the tax imposed in subsections 1 and 6, pay a tax of \$20:

Subsection 5. This provides for those companies which are exempt from this tax and except for the form of the clauses is the same as clauses *c* and *d* of subsection 21 of section 3 of the present Act.

Subsection 6. This corresponds to clause *b* of subsection 21 of section 3 of the present Act; it provides, however, that a reduced place of business tax shall apply to companies with paid-up capital of less than \$100,000 rather than \$50,000 as in the present Act, this because of the decrease in the rate of capital tax from 1/10 to 1/20 of 1%.

Subsection 7. This corresponds with clause *e* of subsection 21 of section 3 of the present Act.

- (a) Any incorporated company engaged in mining which has not during its fiscal year developed its properties by any surface trenching, stripping, blasting of outcrops, diamond drilling or similar work or underground development work, and which does not hold as assets investments in the shares, bonds, and obligations of other incorporated companies and governments, municipal and school corporations having a cost value of more than \$40,000;
- (b) Any incorporated company, whose charter has not been surrendered and whose nominal head office is designated as being in Ontario and which, in the opinion of the Treasurer, has not commenced to do business or has ceased to do business and is entirely without assets.

Idem.

(8) Each of the following incorporated companies shall for every fiscal year of such company, in lieu of the tax imposed by subsections 1, 6 and 7, pay a tax of,—

\$ 5 where the paid-up capital is less than \$20,000;

\$10 where the paid-up capital is \$20,000 or over and less than \$40,000;

\$15 where the paid-up capital is \$40,000 or over and less than \$60,000;

\$25 where the paid-up capital is \$60,000 or over and less than \$80,000;

\$50 where the paid-up capital is \$80,000 or more,—

- (a) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purpose of drainage, agriculture or colonization in Ontario and no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (b) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (c) Any incorporated company which is organized and operated on a co-operative basis and which—

Clause *a* of this subsection is extended to clarify what has been the department's practice in interpreting subclause *i* of the present clause *e*.

Subsection 8. This corresponds to clause *f* of subsection 21 of section 3 of the present Act. The phraseology is extended so that various classes of companies are described in the words used in the Dominion Income Tax Act.]

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
 - (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or
 - (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or
 - (iv) is a credit union;
- (d) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario having a paid-up capital of less than \$100,000.

Hotels
operated by
railway.

13. In addition to the taxes imposed by sections 5 and 11, every incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario, shall for every fiscal year of such company pay a tax of \$50 for each hotel owned, operated or used in Ontario.

Tax on net
income.

14.—(1) In addition to the taxes imposed in sections 10 and 12, and save as in this section otherwise provided, every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of two per centum calculated upon the net income of the incorporated company.

"Income"
defined.

(2) In this section "income" shall refer to the income earned during the fiscal year of every incorporated company and shall mean the net profit or gain, whether ascertained as being a fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business, directly or indirectly received by an incorporated company from any trade, manufacture or business, as the case may be whether derived from sources within Ontario or elsewhere; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from

SECTION 13. This is self-explanatory and corrects the discrimination against hotels owned by others than railway companies in the present Act.

SECTION 14. This section imposes a tax calculated on "net revenue" at 2 per centum rather than at 1 per centum as imposed by section 4 of the present Act.

Subsection 1. This is the taxing section and corresponds to subsection 1 of section 4 of the present Act.

Subsection 2. This is the definition of "net income" and corresponds to subsection 2 of section 4 of the present Act. It is extended, however, so that it is exactly similar to corresponding provisions of the Dominion Income Tax Act.

stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, and also the annual profit or gain from any other source including,—

- (a) the income from but not the value of property acquired by gift, bequest, devise or descent;
- (b) the income from but not the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon surrender of the contract;
- (c) personal and living expenses which form part of the profit, gain or remuneration of the incorporated company;
- (d) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that they are payable on account of the use or sale of any such property; and
- (e) annuities or annual payments received under the provisions of any will or trust irrespective of the date on which such will or trust became effective whether or not the annuities or annual payments are paid in whole or in part out of capital funds of the estate or trust and whether or not they are received at intervals separated by periods of a year or by longer or shorter periods.

Companies
not liable
to tax on
net income.

(3) The following incorporated companies shall not be liable to the tax imposed by this section:

Charitable
companies.

- (a) Any incorporated company which was incorporated for religious, charitable, agricultural or educational purposes and no part of the income of which is paid or payable to or inures to the personal profit of any shareholder thereof;

Companies
without
share
capital.

- (b) Any incorporated company which was incorporated without share capital;

Companies
operating
social clubs.

- (c) Any incorporated company which was incorporated to operate clubs, societies or associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which is paid or payable to or inures to the benefit of any shareholder thereof;

Subsection 3. This subsection groups all classes of companies which are exempt from tax calculated on net income and corresponds to subsections 5 and 6 of section 4 of the present Act. The exemptions are as nearly as possible those provided in the Dominion Income Tax Act. Banks, Insurance Companies, Railway Companies, Telegraph Companies, Telephone Companies, Express Companies and Companies operating sleeping, parlour or dining cars on railways are specially taxed under earlier provisions of this Act and are therefore exempt from the tax, calculated on net income imposed herein, although such companies are not so exempt under the Dominion Income Tax Act.

Business
and assets
situated
abroad.

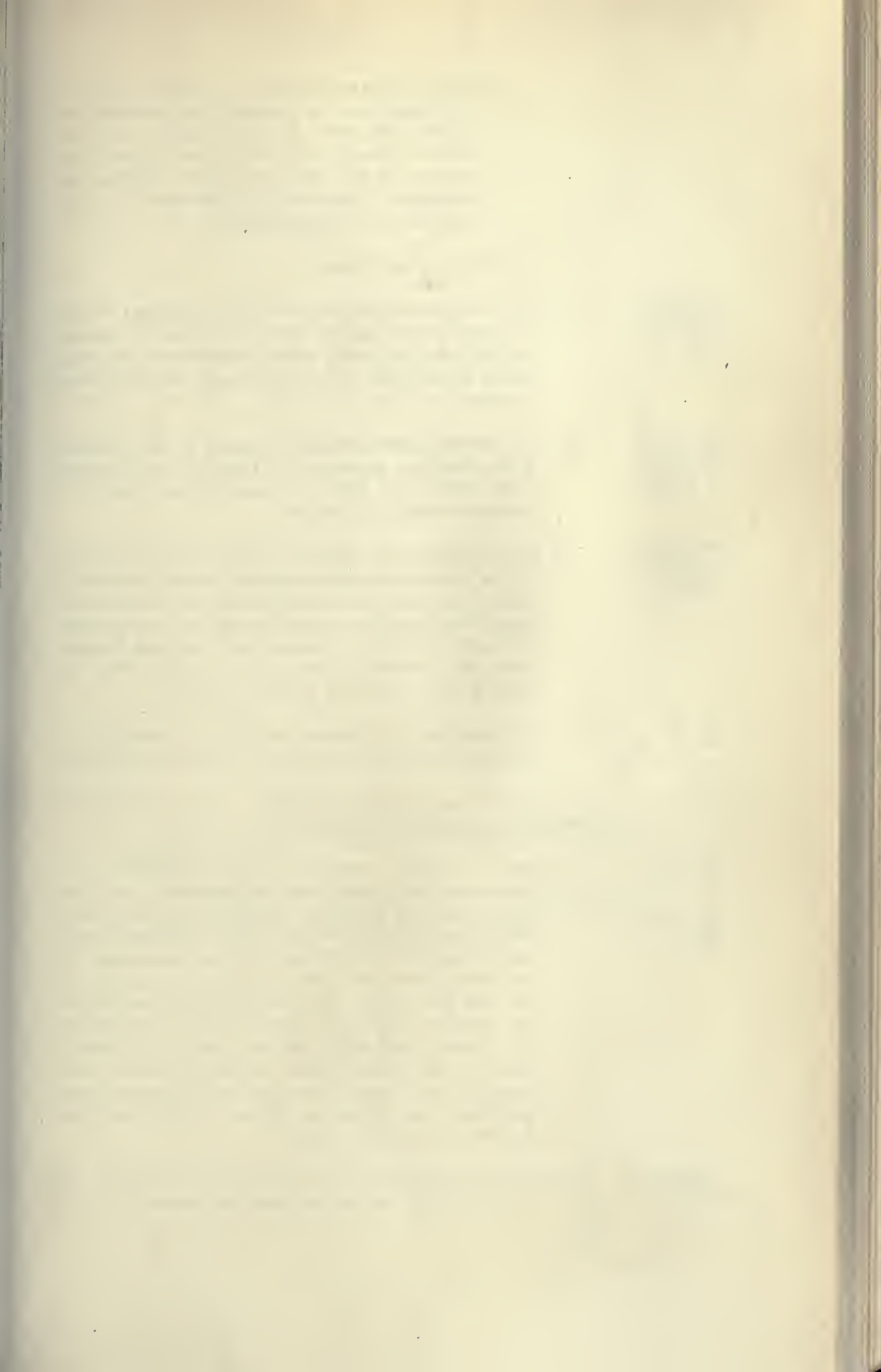
(d) Any incorporated company,—

- (i) whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be held in Ontario, are situated entirely outside of Ontario, including wholly owned subsidiary companies which are solely engaged in the prosecution of the business outside of Ontario of the parent incorporated company; or
- (ii) whose business operations are of an investment or financial nature and carried on entirely outside of Ontario, and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other companies conforming to the requirements of this subclause or of subclause i, are situated entirely outside of Ontario; provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada with statutory head office in Ontario or under the laws of Ontario shall for the purposes of this subclause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;

Co-operative
companies.

(e) Any incorporated company which is organized and operated on a co-operative basis and which,—

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or



(iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or

(iv) is a credit union;

Companies
financing
co-operative
companies.

(f) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is not liable to taxation under the provisions of clause e;

Transporta-
tion com-
panies oper-
ating outside
of Ontario.

(g) Any incorporated company engaged in the business of transporting passengers or freight or both whose head office and entire transportation system is situated outside of Ontario;

Banks, insur-
ance com-
panies,
railways, etc.

(h) Any incorporated company paying taxes under this Act as a bank, insurance company, railway company, express company, telegraph company, telephone company or car company; provided that an incorporated company operating a railway and deriving income from the operation of an hotel or hotels shall be taxable as provided by section 15; and

Personal
corporations.

(i) Any incorporated company which is a personal corporation as defined in *The Income Tax Act* (Ontario).

Rev. Stat.,
c. 25.

Exemptions
and
deductions.

(4) "Income" as hereinbefore defined, shall be subject to the following exemptions and deductions:

Depreciation
and exhaus-
tion.

(a) Such reasonable amount as the Treasurer, in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair; and in the case of leases of mines, oil and gas wells and timber limits, the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer may apportion the deduction between them and his determination shall be final;

Depletion
between
lessor and
lessee.

(b) Such reasonable rate of interest on borrowed capital used in the business as the Treasurer in his discretion

Interest on
borrowed
capital.

Subsection 4. This subsection groups all items which are to be deducted from "income" in determining the amount on which the tax payable is to be calculated.

Clauses *a*, *b* and *c* correspond to clauses *a*, *c* and *d* of subsection 3 of section 4 of the present Act. The wording of these deductions is extended to agree with similar provisions in the Dominion Income Tax Act.

may allow notwithstanding the actual rate of interest payable by the incorporated company, but to the extent that the rate of interest payable by the incorporated company is in excess of the amount allowed by the Treasurer, it shall not be allowed as a deduction and the rate of interest allowed shall not in any case exceed the rate stipulated for in the bond, debenture, mortgage, note, agreement or other similar document, whether with or without security, by virtue of which the interest is payable;

Donations
to charity.

- (c) Not more than ten per centum of the net taxable income of any incorporated company which has been actually paid by way of donation within its fiscal year to, and receipted for as such by, any charitable organization in Canada operated exclusively as such and not operated for the benefit or private gain or profit of any member or shareholder thereof or other person;

Payments
to super-
annuation
or pension
funds.

- (d) In the case of any lump sum payment made in Canada by any incorporated company on account of an employees' superannuation or pension fund or plan in respect of past services of employees, made in such manner that the sum is irrevocably charged for the benefit of the fund or plan, one-tenth of the lump sum payment in each of ten successive years, commencing in the year in which payment is made; provided that in the case of a lump sum payment heretofore made, a deduction of one-tenth thereof shall be allowed in the fiscal year ending in 1939 and in each fiscal year thereafter until ten years have elapsed from the year of the lump sum payment;



Dividends
from other
companies.


- (e) Dividends received by an incorporated company,—
- (i) from another incorporated company to the extent that such dividends have been paid from net income which has been the subject of tax under this section;
 - (ii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, the shares of which, with the exception of the directors' qualifying shares, are held by the incorporated company, to the extent that such dividends have been paid from net income which has been the subject of tax under the laws of any other province or provinces of Canada; provided that the exemption allowed in respect of such

Clause *d* is a new provision introduced to conform with a similar provision in the Dominion Income Tax Act and covers an allowance for payments to superannuation and pension funds.

Clause *e* corresponds to clause *b* of subsection 3 of section 4 of the present Act but limits the allowance granted by that clause to conform with the similar provision in the Dominion Income Tax Act whereby only dividends paid out of profits which have been taxed under this Act are deductible from the income of the recipient company.

dividends or parts of dividends as have been paid from net income which has been the subject of tax at a rate less than that imposed by this section shall be limited to that proportion of such dividends or parts of dividends as the rate of tax paid on such net income bears to the rate of tax imposed under this section;

- (iii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, fifty per centum or more of the voting shares of which is owned by the recipient incorporated company if such subsidiary company is one, the business operations of which are of an industrial, mining, commercial, public utility or public service nature and are carried on entirely outside of Canada either directly or through subsidiary or affiliated companies and the assets of which, except securities acquired by the investment of accumulated income and such bank deposits as may be held in Ontario, are situated entirely outside of Canada including wholly owned subsidiary companies which are engaged solely in the prosecution of the business outside of Canada of such subsidiary company;

provided that in computing the proportionate or fractional part of dividends to be exempted from the income of the recipient incorporated company, as provided by this clause, the determination of the Treasurer shall be final; 

Dividends
from foreign
subsidiaries.

- (f) Dividends received directly or through any other subsidiary company by an incorporated company incorporated under the laws of the Dominion of Canada or of any province of Canada (referred to in this clause as the "Canadian company"), the shares of which are held by the public, from a subsidiary company incorporated outside the Dominion of Canada, the shares of which, with the exception of the directors' qualifying shares, are owned directly or through any subsidiary company by the Canadian company if the Treasurer is satisfied that at least seventy-five per centum of the combined capital of such Canadian company and all of its wholly owned subsidiary companies is employed directly or indirectly outside of Canada; provided that this exemption shall be allowed only if and to the extent that the country in which the subsidiary company is carrying

Clause *f* is a new deduction introduced to conform with the similar provision in the Dominion Income Tax Act and relates to the deduction from "income" of dividends from foreign subsidiaries under certain circumstances.

on business grants substantially similar relief to companies incorporated therein in respect of dividends received from subsidiary companies carrying on business in Canada; provided further that the exemption allowed hereunder in any one fiscal year of such Canadian company shall be limited in the aggregate to an amount equal to the sum of the profits of the subsidiary company subject to income tax abroad in the fiscal year of and in the fiscal year next preceding the declaration of such dividend; provided further that in this clause "capital" shall mean all assets owned or employed in the business of the Canadian company and of all its wholly owned subsidiary companies, other than all inter-company obligations between such companies and goodwill;

Investment
income of
extra provin-
cial corpora-
tions.

- (g) That part of the income of any incorporated company, the head office of which is situated outside of Ontario, derived as interest on bonds and obligations of other incorporated companies and of governments, municipal and school corporations and as dividends from other incorporated companies.

Deductions
not allowed.

- (5) In computing the amount of income to be assessed, a deduction shall not be allowed in respect of,—

Expenses
not laid out
to earn
income.

- (a) any disbursement or expense not wholly, exclusively and necessarily laid out or expended for the purpose of earning income;

Capital
outlay or
losses, etc.

- (b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act;

Annual
value of
property.

- (c) the annual value of property, real or personal, except rent actually paid for the use of such property, used in connection with the business of an incorporated company to earn income;

Reserves,
contingent
accounts and
sinking
funds.

- (d) amounts transferred or credited to a reserve, contingent account or sinking fund, except such an amount for bad debts as the Treasurer may allow and except as otherwise provided in this Act;

Carrying
charges.

- (e) carrying charges or expenses of unproductive property or assets not acquired for the purposes of the trade or business of the incorporated company or of a liability not incurred in connection with the trade or business of the incorporated company;

Clause *g* is a new provision introduced to allow a deduction from "income" of interest and dividends, received by a company with head office outside of Ontario, and conforms with a similar deduction allowed by the regulations under the present Act.

Subsection 5. This subsection groups all items which will not be allowed as a deduction from "income" and corresponds to subsection 4 of section 4 of the present Act. The provisions are extended to include all similar items disallowed under the Dominion Income Tax Act.

Clauses *a*, *b*, *d*, *e* and *i* correspond to clauses *a*, *b*, *c*, *d* and *f* of subsection 4 of section 4 of the present Act.

Application
of carrying
charges.

- (f) carrying charges of property the income from which is exempt, except to the extent that such carrying charges exceed the exempt income;

Expenses
payable to
controlling
company
abroad.

- (g) any sums charged by any company or organization outside of Canada to a company incorporated under the laws of the Dominion of Canada or of any province of Canada in respect of management fees or services or for the right to use patents, processes or formulae presently known or yet to be discovered, or in connection with the letting or leasing of anything used in Canada, irrespective of whether a charge or price is agreed upon or otherwise, if the company or organization to which such sums are payable, or the company incorporated under the laws of the Dominion of Canada or of any province of Canada is controlled directly or indirectly by any company or group of companies or persons within or without Canada which are affiliated one with the other by the holding of shares or by agreements or otherwise; provided that a portion of any such charges may be allowed as a deduction if the Treasurer is satisfied that the charges are reasonable for services actually rendered or the use of anything actually used in Canada;

Dividends
on income
bonds or
income de-
bentures.

- (h) the distribution of earnings by any incorporated company to holders of its income bonds or income debentures; provided that in cases where such income bonds or income debentures have been issued or the income provisions thereof have been adopted since the close of the fiscal year of the incorporated company ending in 1930, in consequence of an adjustment of previously existing bonds or debentures bearing an unconditional fixed rate of interest, which adjustment, to the satisfaction of the Treasurer, was occasioned by financial difficulties of the debtor incorporated company or its predecessor and was intended to afford some relief to such debtor incorporated company or its predecessor, then the provisions of this subclause shall not apply; or

Tax paid to
Dominion of
Canada.

- (i) the amount of tax paid on account of net income to the Dominion of Canada and to any other jurisdiction including Ontario.

Limitation
of certain
expenses
charged
against
income.

- (6) The Treasurer may disallow as an expense the whole or any portion of any salary, bonus, commission, director's fee or other charge which in his opinion is in excess of what is reasonable for the services performed.

Clauses *c*, *f* and *h* are introduced to conform with similar provisions in the Dominion Income Tax Act and are self-explanatory.

Clause *g* is introduced to conform with a similar provision in the Dominion Income Tax Act, and is intended to prevent exorbitant management fees and expenses being charged against Canadian subsidiary companies by the parent companies abroad.

Subsection 6. This corresponds to clause *e* of subsection 4 of section 4 of the present Act.

Deduction
from tax on
income.

(7) An incorporated company shall be entitled to deduct from the tax calculated upon net income which would otherwise be payable by it under this Act the amount of the tax calculated upon net income which was paid or payable during the fiscal year for which tax under this Act is imposed to the government of any province, state or country outside of Ontario with the exception of the tax paid to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of net income derived from sources within each such province, state or country, and provided that the net income derived from sources within each such province, state or country shall be determined in the following manner:

Ship trans-
portation
companies.

- (a) In the case of an incorporated company the business of which is that of ship transportation the amount of net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total amount of tonnage of its ships which operated during such fiscal year multiplied by the total number of times each such ship called at any port during such fiscal year plus the total amount of tonnage of its ships which did not operate during such fiscal year;

Other trans-
portation
companies.

- (b) In the case of an incorporated company the business of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the number of miles travelled by its buses,

Subsections 7 and 8. These provide for the deduction of any tax calculated on net income and payable to any other jurisdiction than Ontario, except the Dominion of Canada, from the tax calculated on net income otherwise payable to Ontario under this Act. The amount of such deduction is limited as set out in the following clauses, such limit being based on the proportionate amount of business transacted by the company involved in the jurisdiction in which it is subject to tax. These provisions are presently effective pursuant to the regulations covering the application of the present Act.

trucks or aircraft during the fiscal year of such company in each such province, state or country bears to the total number of miles travelled by its buses, trucks or aircraft during such fiscal year;

Companies
dealing in
fixed assets.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent or which merely holds assets or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

All other
incorporated
companies.

- (d) In the case of every other incorporated company, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the gross sales made to or the gross revenue received from customers residing in each such province, state or country excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations bear to the total gross sales made or gross revenue received, excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations;



provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Income from
foreign
investments.

- (e) In the case of any incorporated company having its statutory head office in Ontario, any part of whose net income consists of dividends and interest from investments in the shares and bonds of other incorporated companies and of governments, municipal and school corporations, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

Evidence
required.

(8) Any such deduction shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer of the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of net income.

Railway
hotels, —
tax on
income.

15. In addition to the taxes imposed by sections 5, 11 and 13 any incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall pay a tax of two per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

How tax to
be deter-
mined.

16. Unless otherwise provided in this Act, any tax imposed by this Act shall be determined upon the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of such tax is to be ascertained as such stock, mileage or other subject stood at the end of the fiscal year of the company for which the tax is imposed, provided that, in reference to the number of places of business, the number shall be the maximum number opened during such fiscal year and provided further that in reference to gross premiums of insurance companies and the net income of incorporated companies the amount on which any tax imposed by this Act shall be calculated shall be the gross premiums received or the

SECTION 15. This is self-explanatory and corrects the discrimination against hotels owned by others than railway companies in the present Act.

SECTION 16. This section corresponds to sections 6 and 7 of the present Act and is self-explanatory.

net income earned during the fiscal year of the company for which the tax is imposed.

Company to
file annual
return.

17.—(1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends four months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purposes of carrying out the provisions of this Act.

Verification
of returns.

(2) The return shall be verified by a certificate certifying that the financial statements included in the return or attached thereto are in agreement with the books of the company and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require.

Return of
dividends.

(3) In addition to the return required by subsection 1, every company from which a return is required by subsection 1 shall, on or before the 15th day of the month which ends three months following the close of the fiscal year of such company, deliver to the Treasurer a return of all dividends and bonuses paid to shareholders and members, and such return shall be in the form prescribed by the Lieutenant-Governor in Council.

Penalty for
default.

18.—(1) When any company is in default in complying with the provisions of subsection 1 of section 17, such company shall be liable to a penalty of five per centum of the tax payable by such company; provided that such penalty shall not in any case exceed \$500.

Idem.

(2) When any company is in default in complying with the provisions of subsection 3 of section 17, such company shall be liable to a penalty of \$10 for each day of such default; provided that such penalty shall not in any case exceed \$50.

Failure to
complete
return.

(3) When any company fails to complete the information required on the return prescribed by the Lieutenant-Governor in Council under subsection 1 of section 17, such company shall be liable to a penalty of one per centum of the tax payable by it; provided that such penalty shall not in any case be less than \$1 and shall not in any case exceed \$20.

False
statement.

(4) For every false statement contained in any return made or any information furnished to the Treasurer by any person,

SECTION 17. This section corresponds to section 8 of the present Act except that it provides that returns shall be filed within four months of the close of the fiscal year of each company involved, rather than within six months as at present.

Subsection 3 of this section provides for a new return to be filed two and a half months following the close of the fiscal year of the company involved setting forth the amounts of dividends paid. This is a similar information return to that required by the Dominion Income Tax Act.

SECTION 18. This section corresponds to section 11 of *The Corporations Tax Act*. The amounts of the penalties are altered to agree exactly with those imposed by the Dominion Income Tax Act.

such person shall be liable to a penalty not exceeding \$10,000 or to imprisonment for six months or to both fine and imprisonment.

Time for
making
return.

19. The Treasurer may, before or after the time for making it, enlarge the time for making any return.

Taxes, —
when to
accrue.

20.—(1) The taxes imposed by this Act shall be deemed to be due on the last day of the fiscal year of the company for which such taxes are imposed and shall be payable on or before the last day of the month which ends four months from the close of such fiscal year.

Tax to be
forwarded
with return.

(2) Every company on which a tax is imposed by this Act shall send with the return required by subsection 1 of section 17, not less than one-third of the amount of the tax payable as estimated by the company in the return and may pay the balance of such tax within four months thereafter together with interest at the rate of five per centum per annum upon such balance calculated from the last day prescribed for making such return until the date of payment.

Where less
than one-
third of tax
paid.

(3) When any company on which a tax is imposed by this Act pays less than one-third of the amount of the tax payable as estimated by the company in the return or fails to make any payment on or before the date on which the tax is payable, or fails to pay the balance of the tax as estimated by the company in the return, within four months thereafter, the company shall pay, in addition to the interest at five per centum per annum, provided by subsection 2, interest at the rate of three per centum per annum upon the deficiency calculated from the date of default until the date of payment.

Returns
examined.

21.—(1) The returns received by the Treasurer shall with all possible despatch be checked and examined.

Demand for
additional
information.

(2) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information, or a return from any company which has not made a return or a complete or sufficient return, he may by registered letter, demand from such company, or from the president, manager, secretary, agent or representative thereof such information, additional information or return and the company, president, manager, secretary, agent or representative upon whom such a demand is made shall deliver to the Treasurer such information, additional information or return within thirty days of the mailing of such registered letter.

Production
of letters,
accounts,
etc.

(3) The Treasurer may, by registered letter, require the production under oath or otherwise, by any such company or the president, manager, secretary, agent or representative of such company, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion

SECTION 19. This section is the same as section 12 of *The Corporations Tax Act*.

SECTION 20. This section corresponds to section 9 of *The Corporations Tax Act*.

Subsection 1 provides for the taxes imposed to be payable within four months, rather than six months as in section 9 of the present Act, from the close of the fiscal year of the company.

Subsection 2 permits the payment of one-third of the tax on or before the date when the tax is payable and the balance together with interest thereon at five per centum per annum within four months thereafter.

Subsection 3 provides additional interest at three per centum per annum on the amount of any instalment underpaid.

This section reduces the penalty for late payment of the tax from one per centum per month to three per centum per annum.

SECTION 21. This section corresponds to section 13 of *The Corporations Tax Act*.

Subsection 1. This is the same as subsection 1 of the present section.

Subsections 2 to 9. These replace subsections 2 to 10 of the present section. These subsections are identical with corresponding sections of the Dominion Income Tax Act and provide machinery whereby the Treasurer may verify that the taxes paid or payable are correctly calculated.

of the income of any such company, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Production of evidence to prove tax payable by another company.

(4) The Treasurer may, by registered letter, require production, under oath or otherwise, by any person, partnership, syndicate, trust or company, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or company or of his or its agent, for the purpose of determining what tax, if any, is payable by any other company and production shall be made within thirty days of the mailing of such registered letter.

Books of account to be kept.

(5) If any company fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax payable under this Act, the Treasurer may require such company to keep such records and accounts as he may prescribe.

Penalty.

(6) For every default in complying with the provisions of subsections 2 to 5 the company or persons, or both, in default shall jointly and severally be liable to a penalty of \$25 for each day during which the default continues.

Compliance of Treasurer to be proved by affidavit.

(7) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with the provisions of this section as well as the failure of any person, partnership, syndicate, trust, incorporated company or other company to comply with the requirements of this section shall be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department of Ontario.

Inquiry as to paid-up capital, income, etc.

(8) Any officer authorized by the Treasurer may make such inquiry as he may deem necessary to ascertain the paid-up capital, net income or other subject of any company, and for the purposes of such inquiry, such officer shall have all the powers and authority of a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat., c. 19.

Treasurer not bound by returns.

(9) No return or information supplied by or on behalf of any company shall be binding upon the Treasurer, and notwithstanding any such return or information, or in the absence of any return or information, the Treasurer may determine the amount of the tax to be paid by any company.

Notice of assessment.

(10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month

Subsections 10 to 13. These are the same as subsections 11 to 14 of the present section except that the penalty for late payment of any additional tax found to be due is reduced from one per centum per month to three per centum per annum.

This section is identical with corresponding sections of the Dominion Income Tax Act except that in subsection 12 interest at three per centum per annum is allowed on overpayments of tax calculated from six months after the overpayment was made.

from the date of mailing of the notice of assessment, and subject to the provisions of section 20, such additional tax shall bear interest at the rate of five per centum per annum calculated from the last day prescribed for making such return to the date of payment.

Penalty for
non-payment
of additional
tax.

(11) If any company fails to pay such additional tax and interest within one month from the date of the mailing of the notice of assessment, the company shall pay, in addition to the interest provided by subsection 10, interest at the rate of three per centum per annum upon the additional tax calculated from the expiry of the period of one month from the date of the mailing of the notice of assessment to the date of payment; provided that notwithstanding the date of the mailing of any notice of assessment, the additional rate of interest provided herein shall not commence to accrue earlier than the last day of the month ending eight months following the close of the fiscal year of such company.

Refund.

(12) The Treasurer may refund at, prior to or after issue of the notice of assessment, any overpayment of tax, interest or penalties made by the company, provided application in writing is made therefor by the company within six months of the date of the payment of the tax or the date on which the notice of assessment was issued, and any refund of tax made under this subsection may be paid with interest at the rate of three per centum per annum thereon calculated from six months after the time the tax first became overpaid, provided that no interest shall be paid where the refund of tax made is less than \$50.

Confirma-
tion of
liability of
tax.

(13) Notwithstanding any prior assessment or if no assessment has been made the company shall continue to be liable for any tax imposed by this Act and to be assessed therefor and the Treasurer may at any time assess, re-assess or make additional assessments upon any company for tax and penalties.

Notice of
appeal.

22.—(1) Any company which objects to the amount at which it is assessed, or which considers that it is not liable to taxation under this Act, may by itself or by its solicitor, within one month after the date of the mailing of the notice of assessment provided for in subsection 10 of section 21, serve a notice of appeal upon the Treasurer.

Notice in
writing.

(2) Such notice of appeal shall be in writing and shall be served by mailing the same by registered post addressed to the Treasurer.

Form of
notice of
appeal.

(3) Every such notice shall, as closely as may be, follow the form contained in the First Schedule of this Act, and shall set out clearly the reasons for appeal and all facts relative thereto.

SECTIONS 22 to 33. These sections institute provisions whereby a company may appeal an assessment made by the Treasurer. The manner in which such appeal may be made is clearly set out in the sections. These sections are exactly the same as the corresponding sections in *The Income Tax Act* (Ontario).

Decision to
affirm or
amend
assessment.

23. Upon receipt of the said notice of appeal the Treasurer shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant company of his decision by registered post.

Notice of
dissatisfac-
tion respect-
ing the
decision.

24.—(1) If the appellant company, after receipt of the said decision, is dissatisfied therewith, it may, within one month from the date of the mailing of the said decision, mail to the Treasurer by registered post, a notice entitled,—

THE CORPORATIONS TAX ACT, 1939

NOTICE OF DISSATISFACTION

In re the appeal of.....of the
.....of.....in the
Province of.....

stating that it desires its appeal to be set down for trial.

Statement
with notice.

(2) The appellant company shall forward therewith a final statement of such further facts, statutory provisions and reasons which it intends to submit to the court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

Security.

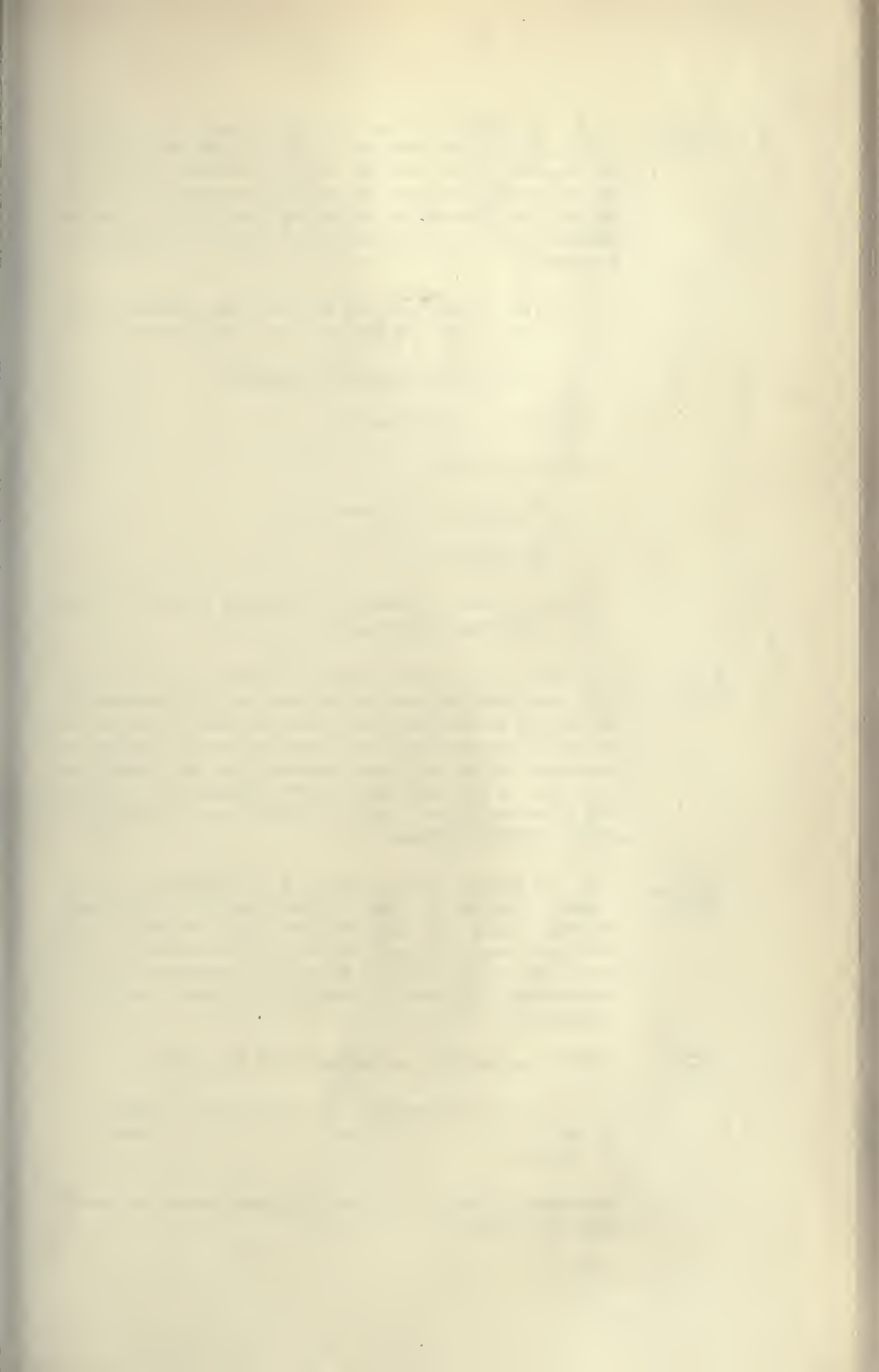
25.—(1) The appellant company shall thereupon give security in a sum of not less than \$400 or such lesser amount as the Treasurer may require for the costs of the appeal in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant company may pay into court a sum of not less than \$200 or such lesser amount as the Treasurer may require in which case such company shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment.

Proceedings
voided.

(2) Unless such security is furnished by the appellant company within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

Decision
upon receipt
of statement
of facts.

26. Upon receipt of the said notice of dissatisfaction and statement of facts, a reply thereto shall be mailed by registered post admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.



Copy of
documents
to be filed.

27.—(1) Within two months from the date of the mailing of the said reply, the Treasurer shall cause to be transmitted to the registrar of the Supreme Court of Ontario or the local registrar of the said Court for the county or district in which the appellant company has its head or other office or transacts business, to be filed in the said Court, copies of the following documents:

- (a) The Corporations Tax Return of the appellant company, if any, for the fiscal year under review;
- (b) The Notice of Assessment appealed;
- (c) The Notice of Appeal;
- (d) The Decision;
- (e) The Notice of Dissatisfaction;
- (f) The Reply; and
- (g) All other documents and papers relative to the assessment under appeal.

Matter
deemed
action.

(2) The matter shall thereupon be deemed to be an action in the said Court and shall be set down for trial forthwith by the registrar or local registrar as the case may be, and thereafter shall be proceeded with in the same manner as an action commenced in the said Court; provided that the Court or a judge may at any time prior to the commencement of the trial make such order relating to the delivery of pleadings as may be deemed proper.

Supreme
Court prac-
tice to
govern.

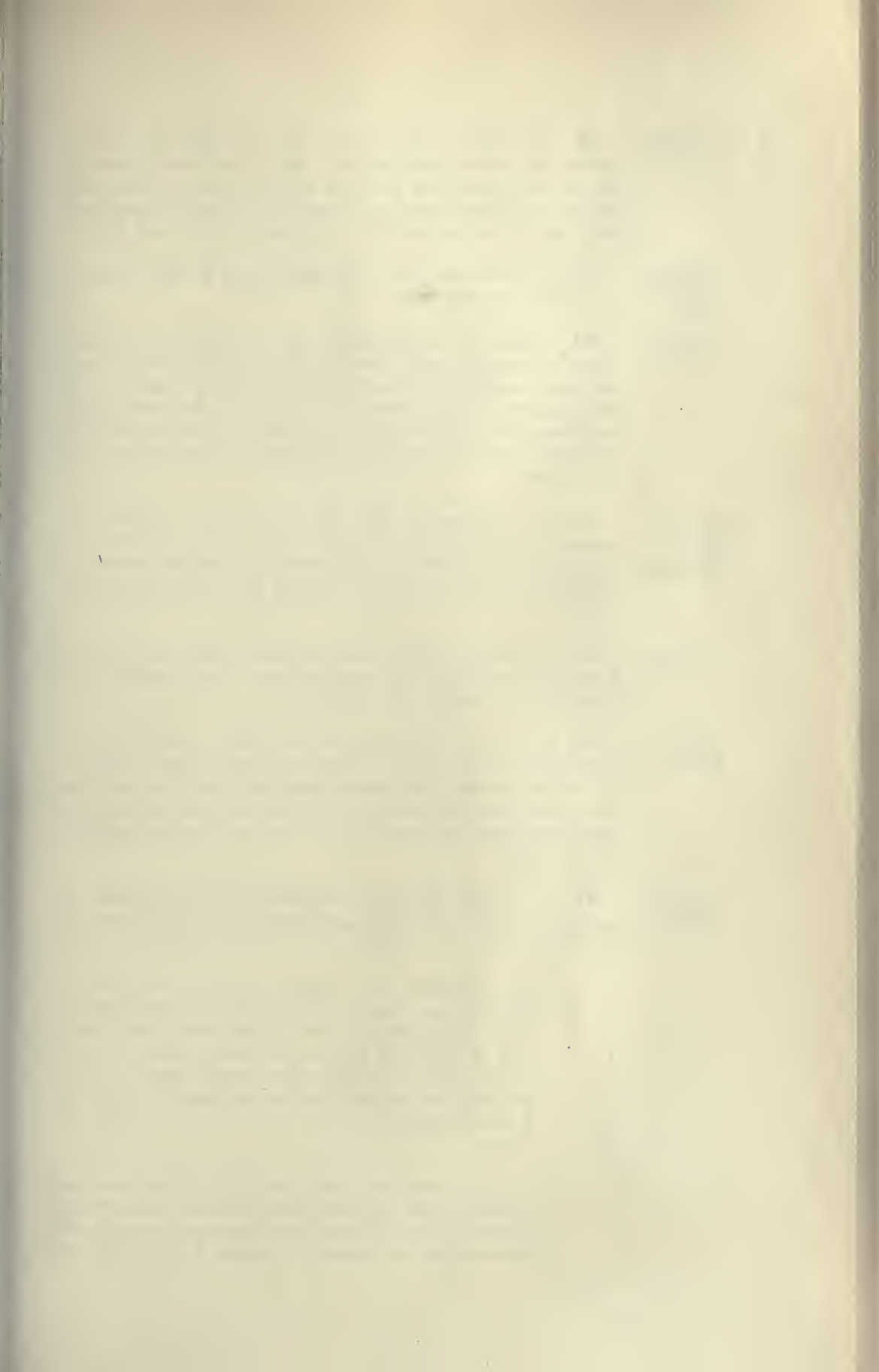
(3) The practice and procedure of the Supreme Court of Ontario, including the right of appeal and the practice and procedure relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the said Court.

Title of
cause.

28. All subsequent proceedings shall be entitled:

In re *The Corporations Tax Act* and the appeal
of.....of.....in the
Province of.....

and notice and copies of all further proceedings shall be served upon the Treasurer.



Conditional
limitation
of evidence.

29.—(1) After an appeal has been set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the Court or a judge thereof may direct.

Matter may
be referred
back to
Treasurer.

(2) The Court may refer the matter back to the Treasurer for further consideration.

Jurisdiction
of Court.

30. Subject to the provisions of this Act, the Supreme Court of Ontario shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said Court may seem right and proper.

Irregulari-
ties not to
effect
validity of
assessment.

31. An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Proceedings
in camera.

32. Proceedings before the Supreme Court of Ontario hereunder shall be held in camera upon request made to the Court by any party to the proceedings.

Right of
appeal
barred.

33. If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the company assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.

Recovery of
penalty or
tax.

34.—(1) Upon default of payment by any company of any tax or penalty, or both, imposed upon such company by this Act,—

(a) The Treasurer may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;

(b) The Treasurer may issue a warrant in the form prescribed by the regulations and directed to the sheriff of any county or district in which any property of the company is located or situate, for the amount

SECTION 34. This section corresponds to sections 21 and 23 of *The Corporations Tax Act*.

Subsection 1 provides three methods by which the Treasurer may collect the taxes and penalties imposed.

of the tax, interest and penalty, or any of them, owing by the company to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court of Ontario;

- (c) The Treasurer or any officer authorized by him may enter upon the premises of the company or any other place in Ontario where the books or records of the company or any part of them are kept and make such investigation and examination as he may deem necessary, and may seize all or any of such books and records and may, by notice in writing, require that any person, partnership, syndicate, trust or corporation who may be indebted to such company shall pay such indebtedness to the Treasurer.

Penalties payable to Treasurer.

Rev. Stat., c. 136.

- (2) Except where otherwise specifically provided the penalties imposed by this Act may be recoverable under *The Summary Convictions Act* and shall be payable to the Treasurer of Ontario.

Remedies for recovery of tax and penalty.

- (3) The use of any of the remedies provided by this section shall not be a bar to or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of payment of any tax or penalty, or both, imposed by this Act shall be in addition to any other remedies existing by law, and no action or other proceeding taken shall in any way prejudice, limit or affect any lien, charge or priority existing under the provisions of this Act or otherwise.

Manner of serving notice.

- 35.**—(1) A notice under clause c of subsection 1 of section 34 may be served personally or by prepaid registered post addressed to such person, partnership, syndicate, trust or corporation at the address indicated in the books or records of the company and the receipt of payment of the amount of the indebtedness by the Treasurer shall constitute a good and sufficient discharge of the liability of such person, partnership, syndicate, trust or corporation to the company to the extent of the amount indicated in the receipt.

Liability of debtor.

- (2) Any person, partnership, syndicate, trust or corporation discharging any liability to a company owing taxes, penalties or both under this Act after the service of the notice referred to in subsection 1 shall be personally liable to the Treasurer to the extent of the amount of the liability discharged between such person, partnership, syndicate, trust or corporation and such company or to the extent of the amount of taxes, interest

Subsection 2 is self-explanatory.

Subsection 3 is self-explanatory.

SECTION 35. This section provides for the serving of a notice upon any debtor of a company which is in arrears of taxes and for the discharge of the liability of such debtor to the company to the extent of his payment to the Treasurer of taxes due by the company. This section provides similar remedies to those contained in the Dominion Income Tax Act.

and penalties owing under this Act by the company whichever is the lesser amount and the Treasurer shall have the same remedies for the recovery of such amount from such person, partnership, syndicate, trust or corporation as he has for the recovery from a company of a tax or penalty imposed upon it under this Act.

Priority
of tax.

36. Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay such tax or penalty or both.

Notice to be
given Treas-
urer of sale
of company's
goods, etc.

37.—(1) Where a company has failed to pay taxes and penalties imposed by this Act for a period in excess of three years from the date of the mailing of the notice of assessment provided by subsection 10 of section 21, no person shall sell any capital assets of such company unless he has given written notice by prepaid registered post to the Treasurer not less than ten days prior to the date of such sale.

Penalty.

(2) Every person who violates the provisions of subsection 1 shall be liable to a penalty of not less than an amount equal to the amount of such taxes and penalties in default, and such penalty shall be recoverable by action in any court in which a debt or money demand of a similar amount may be collected.

Compromis-
ing disputes
as to liabil-
ity for taxes.

38. If any doubt or dispute arises as to the liability of any company to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund the amount paid or any part thereof.

Penalty.

39. Every person who, and every company which violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and liable to a penalty of not less than \$50 and not exceeding \$500.

Regulations.

40. The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

SECTION 36. This section corresponds to section 22 of *The Corporations Tax Act* and is self-explanatory.

SECTION 37. This section provides for notice to be given to the Treasurer of bulk or other sale of any of a company's property other than in the ordinary course of business.

SECTION 38. This section is the same as section 24 of *The Corporations Tax Act*.

SECTION 39. This section is self-explanatory.

SECTION 40. This section corresponds to section 20 of *The Corporations Tax Act*.

- (b) prescribing the form of returns required to be made by this Act;
- (c) providing for the issuance of certificates as to the amount of taxes and penalties owing by any company under this Act and prescribing the fees payable therefor; and
- (d) generally for the better carrying out of the provisions of this Act.

Agreement
between
Treasurer
and
Minister.

41.—(1) Notwithstanding anything contained in this Act, upon the approval by the Lieutenant-Governor in Council of an agreement between the Treasurer and the Minister, and subject to its provisions, the Minister and the Commissioner of Income Tax are hereby authorized to exercise in the place and stead, on behalf of or as agent for the Treasurer and Controller of Revenue, such of the powers and duties imposed upon the Treasurer and the Controller of Revenue respectively under this Act as may be specified in the said agreement.

Expenses.

(2) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred by the Minister in carrying out the provisions of this Act.

Declarations
and
affidavits.

42. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Secrecy.

43.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding \$200.

Distribution
of one-half
the revenue
from railway
tax among
municipal-
ities.

44.—(1) There shall be set apart from the Consolidated Revenue Fund on the 31st day of December in each year a sum equal to one-half the receipts of the province during such year for taxes from railway companies under subsection 1 of section 5 after deducting therefrom the sum of \$30,000 and the sum so set apart shall, on the 31st day of December in each year, be credited to the cities, towns, villages and

SECTION 41. This section permits the Lieutenant-Governor in Council to approve of an agreement between the Treasurer and the Minister of National Revenue whereby the taxes imposed by this Act may be collected for and on behalf of the Treasurer by the Dominion Income Tax Department.

SECTION 42. This section is self-explanatory.

SECTION 43. This section is the same as section 26 of *The Corporations Tax Act*.

SECTION 44. This section is the same as section 25 of *The Corporations Tax Act*.

organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding Dominion census, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this Act.

Fixing
amounts.

(2) The Lieutenant-Governor in Council may fix the amount per head of the population to be so credited without allowing for fractions of a cent.

Debiting
municipali-
ties with
cost of main-
tenance of
patients.

Rev. Stat.,
c. 392.

(3) Against the amount so credited there shall be charged, as a contribution towards his maintenance, a sum amounting to ten cents per patient per day for each patient belonging to the municipality maintained for the whole or any part of such year in any institution within the meaning of *The Mental Hospitals Act*, other than the Ontario Hospital, Woodstock, such charge to be made only in respect of patients on account of whose maintenance the Province is not in receipt from any source of \$1.50 per week or more.

Determining
liability of
municipality
to contribute
to mainten-
ance of
patients.

(4) All questions as to the liability of a municipal corporation to such charge shall be determined by an officer designated for that purpose by the Minister of Health, whose decision may at any time and from time to time be varied or cancelled by himself or by any other officer designated by the Minister of Health, and the certificate of the Minister of Health declaring the amount of such charge shall be accepted and acted upon by the Provincial Auditor without further evidence as determining the amount to be deducted under subsection 3.

Payment of
balance.

(5) The balance remaining at the credit of each municipal corporation after deducting such charge shall be forthwith paid by the Treasurer to the corporation.

Names of
patients to
be sent to
municipali-
ties.

(6) The name of every patient in respect of whom the charge is made shall be furnished annually to the municipal corporation but shall not be published in its accounts unless the council so directs.

Application
of Rev. Stat.,
c. 29 and
this Act.

Proviso.

45.—(1) The provisions of *The Corporations Tax Act* shall apply to companies in respect of all fiscal years ending before or during 1938 and the provisions of this Act shall apply thereafter provided that the provisions of this Act relating to the collection of taxes shall apply to the collection of taxes payable under *The Corporations Tax Act*, and provided further that every company the fiscal year of which ended on and after the 1st day of November, 1938, and up to and including the 31st day of December, 1938, shall,—

SECTION 45. This section provides for the dates upon which this Act will become effective.

- (a) deliver the returns required by *The Corporations Tax Act* in respect of the fiscal year ending within such period to the Treasurer on or before the 30th day of April, 1939; and
- (b) pay the taxes imposed by *The Corporations Tax Act* for such fiscal year on or before the 30th day of April, 1939;

and the penalties imposed by subsection 2 of section 9 and subsection 1 of section 11 of *The Corporations Tax Act* shall apply to such companies as from the 30th day of April, 1939.

Certain sections and subsections of Rev. Stat., c. 29, repealed.

(2) Subject to the provisions of subsection 1, sections 1, 2, subsections 1 to 12 and 19 to 21 of section 3, sections 4 to 13 and sections 20 to 26 of *The Corporations Tax Act* are repealed.

Commence-
ment of Act.

46. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

47. This Act may be cited as *The Corporations Tax Act, 1939*.

FIRST SCHEDULE

In re *The Corporations Tax Act, 1939*.....(Name of taxpayer)
of the.....of.....(Address)
Province of.....
Appellant.

Notice of Appeal is hereby given from the assessment bearing date the.....day of.....19..., wherein a tax in the sum of \$.....levied in respect of paid-up capital, net income or other subject for the fiscal year ended in 19.....

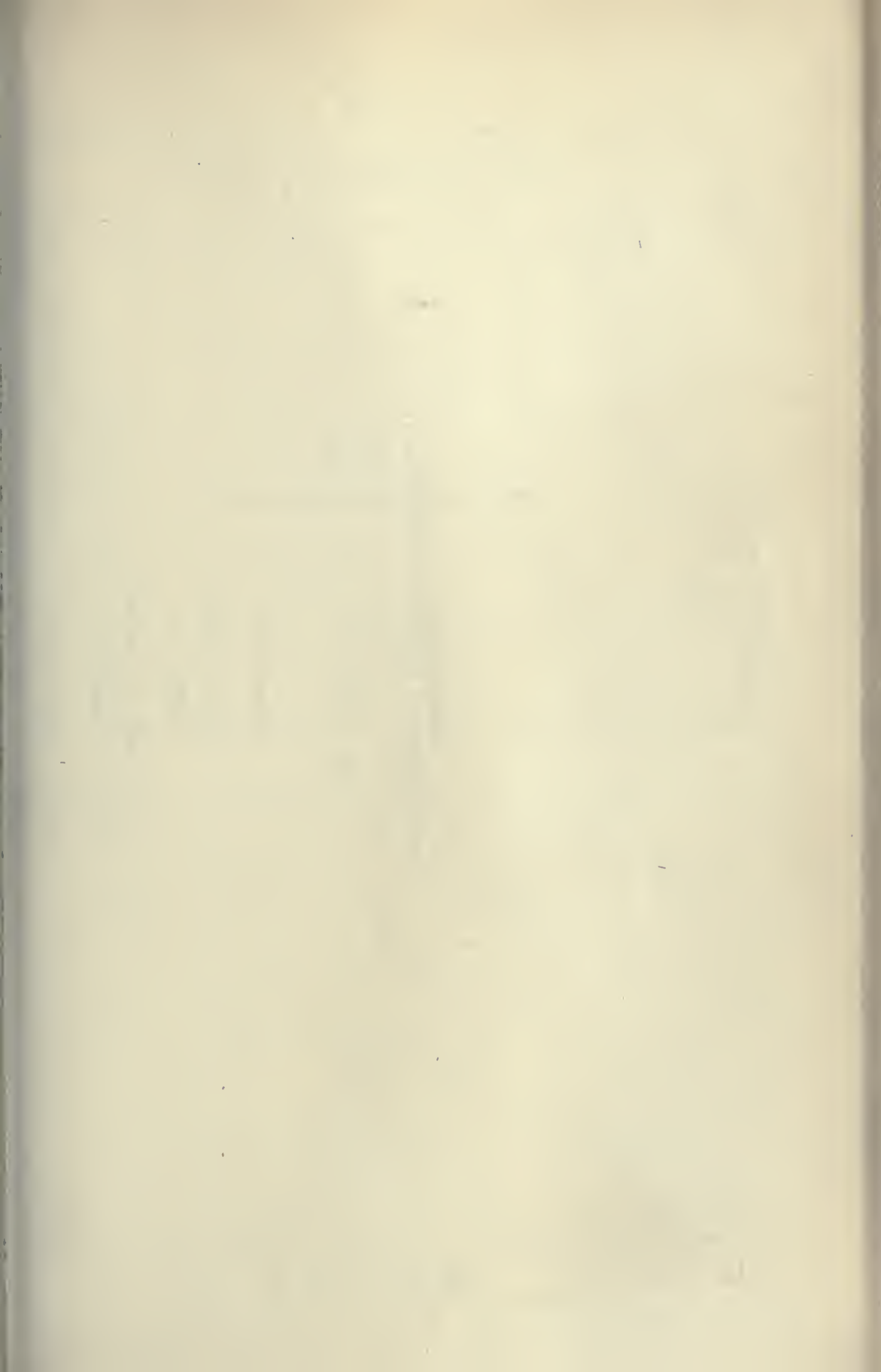
Then follow with,—

1. Full statement of facts;
2. Full statement of reasons for appeal.

Dated this.....day of.....19....

(Signature)





The Corporations Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

March 29th, 1939

3rd Reading

MR. LEDUC

*(Reprinted as amended in Committee of the
Whole House.)*

No. 54

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Corporations Tax Act, 1939.

MR. LEDUC

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act,—

"Bank."

- (a) "Bank" shall mean a corporation or joint stock company wherever incorporated for the purpose of doing a banking business or the business of a savings bank which transacts such business in Ontario, whether the head office is situate in Ontario or elsewhere;

"Commissioner of Income Tax."
R.S.C.,
c. 137.

- (b) "Commissioner of Income Tax" shall mean the officer appointed by the Governor in Council pursuant to the provisions of the *Department of Revenue Act* (Canada);

"Company."

- (c) "Company" shall include bank, extra-provincial company, insurance company and incorporated company;

"Controller of Revenue."

- (d) "Controller of Revenue" shall mean the Controller of Revenue for the Province of Ontario appointed by the Lieutenant-Governor in Council;

"Dividends."

- (e) "Dividends" shall include stock dividends;

"Extra-provincial company."

- (f) "Extra-provincial company" shall mean an incorporated company which has its head office elsewhere than in Ontario;

"Head office."

- (g) "Head office" shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business;

"Income bond";
"income debenture."

- (h) "Income bond" and "income debenture" shall mean respectively a bond and debenture, the interest or dividend on which is payable only when the debtor company has made a profit before taking into account

the interest or dividend obligation on such bond or debenture;

- (i) "Insurance company" shall include life, fire, ocean or inland marine, inland transportation, accident, plate-glass, automobile, steam boiler and burglary insurance companies, guaranty, surety and casualty companies and underwriters and syndicates of underwriters operating on the plan known as Lloyds, which transact business or undertake risks on lives or property in Ontario or are licensed under *The Insurance Act*, but shall not include mutual insurance companies, insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario; "Insurance company."
Rev. Stat.,
c. 256.
- (j) "Incorporated company" shall include corporation and association however and wherever incorporated and where any such corporation or association, or the whole or any part of the property thereof, is placed in the hands or under the control of an agent, assignee, trustee, liquidator, receiver or other official shall include such agent, assignee, trustee, liquidator, receiver or other official but shall not include any incorporated company owning, operating or using a race track and holding a race meeting; "Incorporated company."
- (k) "Minister" shall mean the Minister of National Revenue appointed under the provisions of the *Department of National Revenue Act* (Canada); "Minister."
R.S.C.,
c. 137.
- (l) "Property" shall include money, goods, things in action, land and property of every description, whether real or personal, legal or equitable, and every interest or profit, present or future, vested or contingent in, arising out of or incident to property; "Property."
- (m) "Railway" shall include a railway and part of a railway in Ontario operated in whole or in part by steam, electricity or other motive power, constructed and operated on highways or on land owned by the company owning or operating it, or partly on highways and partly on such land, but shall not include a street railway constructed or operated in whole or in part upon or along a highway under or by virtue of an agreement with, or by-law of a city or town; "Railway."
- (n) "Regulations" shall mean regulations made under the authority of this Act; "Regulations."
- (o) "Transacting business in Ontario" shall include the transaction of any business obtained in Ontario by a company through its own office or branch in Ontario "Transacting business in Ontario."

and shall also include the transaction of any business obtained by an extra-provincial company through the efforts of any other company or any firm, broker, agent or other person which has an office in or is a resident of Ontario when such company, firm, broker, agent or other person acts as the representative or agent of, or in any other capacity for such extra-provincial company, but shall not include the taking of orders for or the buying or selling of goods, wares or merchandise by travellers or by correspondence if no business is obtained through the efforts of any company, firm, broker, agent or other person which has an office in or is a resident of Ontario;

"Treasurer."

(p) "Treasurer" shall mean the Treasurer of Ontario.

Taxes payable.

2.—(1) Every company having its head office or other office in Ontario, or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay to His Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner hereinafter provided.

Fiscal year.

(2) For the purposes of this Act the Treasurer may determine the period of any fiscal year of any company in order to prevent any fiscal year from occupying a longer period than twelve months, provided that for every fiscal year of less than twelve months there may subsequently be a fiscal year of more than twelve months if the total period of both of such fiscal years does not exceed twenty-four months nor shall it be necessary that any fiscal year of a company shall occupy any substantial part of a year.

Incompleted fiscal year.

(3) Subject to the provisions of subsection 2, where a company ceases to have an office or to hold assets or to transact business in Ontario or the existence of which is terminated during any fiscal year, such company shall, in respect of such incompleted fiscal year, pay the taxes imposed by this Act in the same manner as though such fiscal year ended upon the date upon which it ceased to have an office or to hold assets or to transact business in Ontario or upon which its existence was terminated.

Banks.

3.—(1) Every bank shall for every fiscal year of such bank pay,—

On paid-up capital.

(a) a tax of one-fifth of one per centum on the paid-up capital stock thereof and one-tenth of one per centum on the reserve fund and undivided profits thereof;

On offices.

(b) an additional tax of \$3,000 for the principal office in Ontario and \$200 for each additional office, branch

or agency in Ontario, provided that in the case of such additional offices, branches and agencies which were open during the fiscal year less than 250 days, one tax of \$200 shall apply for each 250 days or fraction thereof that all such offices, branches and agencies were open.

(2) Where the head office of a bank is out of Ontario, and where it has not more than five offices, branches and agencies within Ontario, the Treasurer, having regard to the amount of business transacted in Ontario, may reduce the amount of the tax imposed by clause *a* of subsection 1, but such tax shall in no case be less than one-tenth of one per centum calculated upon one-half of the paid-up capital stock.

4.—(1) Every insurance company shall pay a tax in respect of life insurance premiums of one and three-quarters per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,—

- (a) considerations for annuities;
- (b) cash value of dividends paid or credited to policy holders;
- (c) premiums returned;
- (d) premiums received in respect of reinsurance assumed; and
- (e) premiums paid in respect of casualty reinsurance ceded to insurance companies licensed to transact business in Ontario.

(2) Every insurance company shall pay a tax,—

- (a) in respect of fire insurance premiums of one and two-thirds per centum; and
- (b) in respect of premiums other than life or fire insurance premiums of two per centum,

calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,—

- (i) premiums returned;
- (ii) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;

(iii) premiums received in respect of business written on the premium note plan; and

(iv) cash value of dividends paid or credited to policy holders by mutual insurance companies.

Definition
of premiums
in respect of
business
transacted
in Ontario.

(3) In determining the amount of the tax payable under subsection 2 every premium which is, by the terms of the policy or renewal thereof, payable in respect of insurance of a person, or property resident or situate in Ontario at the time of payment whether or not,

(a) such premium is earned wholly or partly within Ontario;

(b) the business in respect of the policy is transacted wholly or partly within Ontario; or

(c) the payment of such premium is made, wholly or partly within Ontario,

shall be deemed to be a premium in respect of business transacted in Ontario.

Unfair dis-
crimination.

(4) Where it is established to the satisfaction of the Lieutenant-Governor in Council that any country or any state of any country discriminates unfairly by imposing taxes, fees and other monetary obligations upon any insurance company or any particular class of insurance companies organized under the laws of Canada or of Ontario and having their principal offices in Ontario, which in the aggregate are in excess of comparable taxes, fees and monetary obligations imposed upon any similar company or class of companies incorporated under the laws of such country or state, the Lieutenant-Governor in Council may direct that any company or any class of companies incorporated under the laws of such country or state and which transact business in Ontario shall pay, in addition to the tax otherwise imposed by this Act, a tax not exceeding the equivalent of such excess, and such additional tax shall be recoverable in the same manner as any other tax imposed by this Act.

Fiscal year.

(5) For the purposes of this Act the fiscal year of every insurance company shall be deemed to end on the 31st day of December.

5.—(1) Every incorporated company owning, operating or using a railway shall for every fiscal year of such company pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, owned, operated or used in any organized municipality in Ontario, and of \$40 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, in territory without municipal organization in Ontario, provided that an incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system does not exceed one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall, in lieu of such tax, pay a tax of \$15 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario, and, where the railway or system does not exceed thirty miles in length between such termini, a tax of \$10 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario.

Railway
mileage.

(2) In addition to the tax imposed by subsection 1, every incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, exceeds one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall for every fiscal year of such company pay a tax of \$25 per mile for one track in Ontario, and, where the line consists of two or more tracks, of \$20 per mile for each additional track in Ontario.

Additional
tax.

(3) Both the incorporated company owning the railway and the incorporated company operating or using it shall jointly and severally be liable for the payment to the Treasurer of the amount of the taxes imposed by this section, but the total amount payable in respect of any railway shall not exceed the amounts above respectively mentioned, notwithstanding that the railway is owned, operated or used by more than one incorporated company.

Company
owning and
company
operating
liable.

(4) The measurement of track for purposes of this section shall not include switches, spurs or sidings.

Exception.

(5) Section 44 shall not apply to the tax imposed by subsection 2.

S. 44 not
to apply.

Subsidiary
companies.

(6) Where an incorporated company owning, operating or using a railway, owns or controls other incorporated companies which are not taxable under the provisions of this section, such other incorporated companies shall be taxable under the provisions of such other sections of this Act as are applicable, without having regard to the taxes payable by their parent company under the provisions of this section.

Telegraph
companies.

On amount
invested.

6. Every incorporated company owning, operating or using a line or part of a line of telegraph within Ontario for gain, including every incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of one per centum upon the total amount of money invested by the incorporated company on such line or part thereof and the works and plant connected therewith; provided that an incorporated company owning and an incorporated company operating and using any such line or part thereof shall jointly and severally be liable for the payment of the said tax, but the total amount payable in respect of such line or part thereof and the works and plant connected therewith shall not exceed the total amount of tax imposed by this section notwithstanding that the line or part thereof is owned, operated or used by more than one company.

Telephone
companies.

7. Every incorporated company owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital as defined by subsection 2 of section 10 of \$100,000 or over shall for every fiscal year of such company pay a tax of three-eighths of one per centum calculated upon the paid-up capital stock thereof.

Express
companies.

8. Every incorporated company carrying on the business of an express company over a railway in Ontario, including an incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of \$800 for each one hundred miles or fraction thereof but in no case of more than \$10,000.

Car
companies.

9. Every incorporated company except any incorporated company owning, operating or using a railway, transacting in Ontario the business of operating, leasing or hiring sleeping, parlour or dining cars run upon or used by any railway within Ontario, shall for every fiscal year of such company pay a tax of one per centum calculated upon the money invested in such cars in use in Ontario.

Other incor-
porated
companies.

10.—(1) Save as in this section otherwise provided every incorporated company having its head or other office in Ontario

or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon the paid-up capital thereof. ^{Tax on capital.}

(2) In this section and in section 12 "paid-up capital" shall mean the paid-up capital as it stood at the close of the fiscal year and shall include the paid-up capital stock of the incorporated company, its earned, capital and any other surplus, all its reserves, whether created from revenue or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of section 14, all sums or credits advanced or loaned to the incorporated company by any other incorporated company, not including any bank, and all indebtedness of the incorporated company, whether assumed or undertaken by the incorporated company, represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property of the incorporated company or any of it is subject. ^{"Paid-up capital," — meaning of.}

(3) The following incorporated companies shall not be subject to the tax imposed by subsection 1: ^{Exceptions.}

- (a) Any bank; ^{Bank.}
- (b) Any insurance company; ^{Insurance company.}
- (c) Any incorporated company owning, operating or using a railway except as provided by section 11; ^{Railway.}
- (d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario; ^{Telegraph company.}
- (e) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario; ^{Telephone company.}
- (f) Any incorporated company carrying on the business of an express company over a railway in Ontario; ^{Express company.}
- (g) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario; ^{Car company.}
- (h) Any incorporated company whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be ^{Companies with business and assets abroad.}

held in Ontario, are situated entirely outside of Ontario, including wholly-owned subsidiary companies which are solely engaged in the prosecution of the business outside of the province of Ontario of the parent incorporated company;

Idem.

- (i) Any incorporated company whose business operations are of an investment or financial nature and carried on entirely outside of Ontario and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other incorporated companies conforming to the requirements of this clause or of clause *h*, are situated entirely outside of Ontario, provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada or of the Province of Ontario, with head office in Ontario, shall for the purposes of this clause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;

Companies whose assets consist of shares, bonds, etc., of other companies.

- (j) Any incorporated company which maintains a head office or executive office or both in Ontario but the assets of which consist wholly of the shares and bonds of, and loans and advances to other incorporated companies and of bank deposits;

Companies in receivership or liquidator.

- (k) Any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee, and none of whose property is used either by the incorporated company or the liquidator, receiver or trustee in transacting any of the businesses or undertakings for which the company was incorporated;

Non-operating companies.

- (l) Any incorporated company which, in the opinion of the Treasurer, has not commenced to transact business or which, in the opinion of the Treasurer, has ceased to transact business;

Companies without share capital.

- (m) Any incorporated company which was incorporated without share capital;

Religious, social and educational companies.

- (n) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purposes of drainage, agriculture or colonization in Ontario and no part

of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;

- (o) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein; Community clubs.
- (p) Any incorporated company which is organized and operated on a co-operative basis and which,— Co-operative companies.
 - (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
 - (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost plus a reasonable amount for expenses and reserves; or
 - (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or
 - (iv) is a credit union;
- (q) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is exempt from taxation under the provisions of clause p; Companies which finance co-operative companies.
- (r) Any incorporated company transacting the business of transporting passengers or freight, or both, whose head office and entire transportation system is situated outside of Ontario and which, in the opinion of the Treasurer, maintains an office in Ontario only for the purpose of soliciting business for its system outside of Ontario and which, in the opinion of the Treasurer, does not sell transportation at its office situated in Ontario; provided that where any such Transportation companies.

incorporated company does sell transportation at its office situated in Ontario, it shall pay a tax of \$50.

Exemptions
and deduc-
tions.

(4) Paid-up capital as hereinbefore defined shall be subject to the following exemptions and deductions:

Goodwill.

- (a) Goodwill or other intangible thing included as an asset to the extent that such goodwill or other intangible thing, in the opinion of the Treasurer, has no value; provided that this exemption shall apply to no more than fifty per centum of the book value of such goodwill or other intangible thing;

Discount on
shares.

- (b) Discount allowed on the sale of the shares of a company incorporated under Part XI of *The Companies Act*;

Rev. Stat.,
c. 251.

Investments.

- (c) The amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a* and *b*, which the cost of the investments made by the incorporated company in the shares and bonds of other incorporated companies, in loans and advances to other incorporated companies and in the bonds, debentures and other securities of any government, municipal or school corporation bears to the total assets of the incorporated company remaining after the deduction of the exemptions provided by clauses *a* and *b*; provided that cash on deposit with any incorporated company doing the business of a savings bank and amounts due by a parent company with head office outside of Canada to a subsidiary company taxable by this section shall not be deemed to be loans and advances to other incorporated companies;

Capital held
in mine and
mill.

- (d) In the case of an incorporated company engaged in mining which has not reached the production stage or the profits of which are insufficient to be assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act*, the amount invested in the plant and works necessary to and forming part of such mine and the amount invested in the plant and works necessary for the refinement of the ore taken from the mine

Rev. Stat.,
c. 28.

bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*;

- (e) In the case of an incorporated company engaged in mining the profits of which are assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act* and the amount invested in the plant and works necessary to and forming part of such mine bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; provided that where the exemption provided by this clause applies, the exemption provided by clause *d* shall not apply; Capital held in mine subject to mining tax.
Rev. Stat., c. 28.
- (f) In the case of any incorporated company whose only business is the holding of real estate for sale or rent or the owning of buildings used as hotels, apartment houses and for offices, or both, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from the operation of such business after depreciation but before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that where the exemption under this clause applies, none of the exemptions under clauses *a* to *e* shall apply; Real estate companies.
- (g) In the case of any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee and whose property or any of it is used either by the company or the liquidator, receiver or trustee in carrying on any of the businesses or undertakings for which the company was incorporated, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from carrying on any of such businesses or undertakings after depreciation but before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that where the exemption under this clause Companies in receivership.

applies, none of the exemptions under clauses *a* to *f* shall apply.

Deductions
from the
tax on
capital.

(5) An incorporated company shall be entitled to deduct from the tax calculated upon paid-up capital which would otherwise be payable under this section the amount of the tax calculated upon paid-up capital which was paid or payable during the fiscal year for which the tax under this section is imposed to the government of any province, state or country outside of Ontario, with the exception of any tax paid or payable to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of paid-up capital deemed to be used within each such province, state or country and provided that the paid-up capital deemed to be used within each such province, state or country shall be determined as follows:

Ship trans-
portation
companies.

(a) In the case of an incorporated company the business of which is that of ship transportation, the amount of the paid-up capital which shall be deemed to have been used within each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of the tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total of the amount of tonnage of its ships which operated during such fiscal year multiplied by the number of times each such ship called at any port during such fiscal year and the tonnage of its ships which did not operate during such fiscal year;

Transporta-
tion com-
panies.

(b) In the case of an incorporated company the business of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the number of miles travelled by its buses, trucks or aircraft during the

fiscal year of such company in each such province, state or country bears to the total number of miles travelled by its buses, trucks, or aircraft during such fiscal year;

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; *d* or *e*; *f* or *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Real estate,
grain and
mining com-
panies.

- (d) In the case of every other incorporated company, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4 which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation.

Other
companies.

- (6) Any deduction provided by subsection 5 shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer showing the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of paid-up capital.

Evidence
necessary.

11. In addition to the tax imposed by section 5, every incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon that amount of capital of which the net income earned from the operation of such hotel or hotels, after depreciation but before deduction

Railway
companies
tax on
capital.

of interest or dividends on any of the obligations of the incorporated company paid or payable with respect to any capital invested in such hotel or hotels, would be eight per centum.

Tax on
offices.

12.—(1) Save as in this section otherwise provided, every incorporated company having its head or other office in Ontario or which transacts business in Ontario shall for every fiscal year of such company pay a tax of \$50 for each office or place of business in Ontario, and every incorporated company which holds assets in Ontario but has no designated office or place of business, shall for every fiscal year of such company, in addition to all other taxes for which it may be liable, pay a tax of \$50.

"Office or
place of
business,"
defined.

(2) In this section "office or place of business" shall mean,—

- (a) The head office of an incorporated company except where such office not being the only office of such company, is maintained merely as a nominal head office, provided that the incorporated company transacts no business at such nominal head office;
- (b) The executive office of an incorporated company;
- (c) A building or part of a building or any property where an incorporated company carries on any of its operations;
- (d) A building, office, room or location where an incorporated company invites patronage either through its name being placed in public view on the property, or through a listing of its name in a telephone or other directory giving its address at a certain location, or through an advertisement in the press giving the name of the incorporated company and its address at a certain location;
- (e) The office or room of any company, firm, broker, agent or other person acting as the representative or agent of or in any other capacity for an incorporated company;
- (f) A permanent sample depot, where a representative of an incorporated company may display examples of its products which are for sale;
- (g) A depot where a representative of an incorporated company may buy materials for the use of such company; and
- (h) A depot for the distribution of goods.

(3) Where a company, firm, broker, agent or other person ^{Acting for more than one company.} is acting as the agent or representative of or in any other capacity for more than one incorporated company, each of such incorporated companies shall be deemed to be maintaining an office or place of business in the office or place of business of such company, firm, broker, agent or other person.

(4) Offices or places of business defined by clauses *c, d, e, f, g* and *h* of subsection 2 shall be deemed separate offices and places of business only in such cases where each of them is located apart from the head office or executive office of the incorporated company. ^{Exceptions.}

(5) The following incorporated companies shall not be ^{Where no tax payable.} subject to any tax imposed by this section:

- (a) Any bank;
- (b) Any insurance company;
- (c) Any incorporated company owning, operating or using a railway except as provided by section 13;
- (d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario;
- (e) Any incorporated company transacting the business of an express company over a railway in Ontario;
- (f) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario;
- (g) Any incorporated company which was incorporated without share capital; and
- (h) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario and having a paid-up capital of \$100,000 or over.

(6) Any incorporated company having a paid-up capital ^{Reduction in tax.} of less than \$100,000 shall, for every fiscal year of such company in lieu of the tax imposed by subsection 1, pay a tax of one-twentieth of one percentum, calculated on the paid-up capital, for each office or place of business in Ontario provided that in no case shall the combined taxes imposed in sections 10 and 12 be less than \$20.

(7) Each of the following incorporated companies shall ^{Tax payable by certain companies.} for every fiscal year of such company in lieu of the tax imposed in subsections 1 and 6, pay a tax of \$20:

- (a) Any incorporated company engaged in mining which has not during its fiscal year developed its properties by any surface trenching, stripping, blasting of outcrops, diamond drilling or similar work or underground development work, and which does not hold as assets investments in the shares, bonds, and obligations of other incorporated companies and governments, municipal and school corporations having a cost value of more than \$40,000;
- (b) Any incorporated company, whose charter has not been surrendered and whose nominal head office is designated as being in Ontario and which, in the opinion of the Treasurer, has not commenced to do business or has ceased to do business and is entirely without assets.

Idem.

(8) Each of the following incorporated companies shall for every fiscal year of such company, in lieu of the tax imposed by subsections 1, 6 and 7, pay a tax of,—

\$ 5 where the paid-up capital is less than \$20,000;

\$10 where the paid-up capital is \$20,000 or over and less than \$40,000;

\$15 where the paid-up capital is \$40,000 or over and less than \$60,000;

\$25 where the paid-up capital is \$60,000 or over and less than \$80,000;

\$50 where the paid-up capital is \$80,000 or more,—

- (a) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purpose of drainage, agriculture or colonization in Ontario and no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (b) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (c) Any incorporated company which is organized and operated on a co-operative basis and which—

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or
- (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or
- (iv) is a credit union;
- (d) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario having a paid-up capital of less than \$100,000.

13. In addition to the taxes imposed by sections 5 and 11, ^{Hotels operated by} every incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario, shall for every fiscal year of such company pay a tax of \$50 for each hotel owned, operated or used in Ontario.

14.—(1) In addition to the taxes imposed in sections 10 and 12, and save as in this section otherwise provided, every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of two per centum calculated upon the net income ^{Tax on net income.} of the incorporated company.

(2) In this section "income" shall refer to the income ^{"Income" defined.} earned during the fiscal year of every incorporated company and shall mean the net profit or gain, whether ascertained as being a fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business, directly or indirectly received by an incorporated company from any trade, manufacture or business, as the case may be whether derived from sources within Ontario or elsewhere; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from

stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, and also the annual profit or gain from any other source including,—

- (a) the income from but not the value of property acquired by gift, bequest, devise or descent;
- (b) the income from but not the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon surrender of the contract;
- (c) personal and living expenses which form part of the profit, gain or remuneration of the incorporated company;
- (d) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that they are payable on account of the use or sale of any such property; and
- (e) annuities or annual payments received under the provisions of any will or trust irrespective of the date on which such will or trust became effective whether or not the annuities or annual payments are paid in whole or in part out of capital funds of the estate or trust and whether or not they are received at intervals separated by periods of a year or by longer or shorter periods.

Companies
not liable
to tax on
net income.

(3) The following incorporated companies shall not be liable to the tax imposed by this section:

Charitable
companies.

- (a) Any incorporated company which was incorporated for religious, charitable, agricultural or educational purposes and no part of the income of which is paid or payable to or inures to the personal profit of any shareholder thereof;

Companies
without
share
capital.

- (b) Any incorporated company which was incorporated without share capital;

Companies
operating
social clubs.

- (c) Any incorporated company which was incorporated to operate clubs, societies or associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which is paid or payable to or inures to the benefit of any shareholder thereof;

(d) Any incorporated company,—

Business
and assets
situated
abroad.

- (i) whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be held in Ontario, are situated entirely outside of Ontario, including wholly owned subsidiary companies which are solely engaged in the prosecution of the business outside of Ontario of the parent incorporated company; or
- (ii) whose business operations are of an investment or financial nature and carried on entirely outside of Ontario, and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other companies conforming to the requirements of this subclause or of subclause i, are situated entirely outside of Ontario; provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada with statutory head office in Ontario or under the laws of Ontario shall for the purposes of this subclause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;

(e) Any incorporated company which is organized and operated on a co-operative basis and which,—

Co-operative
companies.

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or

- (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or

(iv) is a credit union;

Companies
financing
co-operative
companies.

- (f) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is not liable to taxation under the provisions of clause e;

Transporta-
tion com-
panies oper-
ating outside
of Ontario.

- (g) Any incorporated company engaged in the business of transporting passengers or freight or both whose head office and entire transportation system is situated outside of Ontario;

Banks, insur-
ance com-
panies,
railways, etc.

- (h) Any incorporated company paying taxes under this Act as a bank, insurance company, railway company, express company, telegraph company, telephone company or car company; provided that an incorporated company operating a railway and deriving income from the operation of an hotel or hotels shall be taxable as provided by section 15; and

Personal
corporations.

Rev. Stat.,
c. 25.

Exemptions
and
deductions.

- (i) Any incorporated company which is a personal corporation as defined in *The Income Tax Act* (Ontario).
- (4) "Income" as hereinbefore defined, shall be subject to the following exemptions and deductions:

Depreciation
and exhaus-
tion.

Depletion
between
lessor and
lessee.

- (a) Such reasonable amount as the Treasurer, in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair; and in the case of leases of mines, oil and gas wells and timber limits, the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer may apportion the deduction between them and his determination shall be final;

Interest on
borrowed
capital.

- (b) Such reasonable rate of interest on borrowed capital used in the business as the Treasurer in his discretion

may allow notwithstanding the actual rate of interest payable by the incorporated company, but to the extent that the rate of interest payable by the incorporated company is in excess of the amount allowed by the Treasurer, it shall not be allowed as a deduction and the rate of interest allowed shall not in any case exceed the rate stipulated for in the bond, debenture, mortgage, note, agreement or other similar document, whether with or without security, by virtue of which the interest is payable;

- (c) Not more than ten per centum of the net taxable ^{Donations to charity.} income of any incorporated company which has been actually paid by way of donation within its fiscal year to, and receipted for as such by, any charitable organization in Canada operated exclusively as such and not operated for the benefit or private gain or profit of any member or shareholder thereof or other person;
- (d) In the case of any lump sum payment made in Canada ^{Payments to super-annuation or pension funds.} by any incorporated company on account of an employees' superannuation or pension fund or plan in respect of past services of employees, made in such manner that the sum is irrevocably charged for the benefit of the fund or plan, one-tenth of the lump sum payment in each of ten successive years, commencing in the year in which payment is made; provided that in the case of a lump sum payment heretofore made, a deduction of one-tenth thereof shall be allowed in the fiscal year ending in 1939 and in each fiscal year thereafter until ten years have elapsed from the year of the lump sum payment;
- (e) Dividends received by an incorporated company,— ^{Dividends from other companies.}
 - (i) from another incorporated company to the extent that such dividends have been paid from net income which has been the subject of tax under this section;
 - (ii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, the shares of which, with the exception of the directors' qualifying shares, are held by the incorporated company, to the extent that such dividends have been paid from net income which has been the subject of tax under the laws of any other province or provinces of Canada; provided that the exemption allowed in respect of such

dividends or parts of dividends as have been paid from net income which has been the subject of tax at a rate less than that imposed by this section shall be limited to that proportion of such dividends or parts of dividends as the rate of tax paid on such net income bears to the rate of tax imposed under this section;

- (iii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, fifty per centum or more of the voting shares of which is owned by the recipient incorporated company if such subsidiary company is one, the business operations of which are of an industrial, mining, commercial, public utility or public service nature and are carried on entirely outside of Canada either directly or through subsidiary or affiliated companies and the assets of which, except securities acquired by the investment of accumulated income and such bank deposits as may be held in Ontario, are situated entirely outside of Canada including wholly owned subsidiary companies which are engaged solely in the prosecution of the business outside of Canada of such subsidiary company;

provided that in computing the proportionate or fractional part of dividends to be exempted from the income of the recipient incorporated company, as provided by this clause, the determination of the Treasurer shall be final;

Dividends
from foreign
subsidiaries.

- (f) Dividends received directly or through any other subsidiary company by an incorporated company incorporated under the laws of the Dominion of Canada or of any province of Canada (referred to in this clause as the "Canadian company"), the shares of which are held by the public, from a subsidiary company incorporated outside the Dominion of Canada, the shares of which, with the exception of the directors' qualifying shares, are owned directly or through any subsidiary company by the Canadian company if the Treasurer is satisfied that at least seventy-five per centum of the combined capital of such Canadian company and all of its wholly owned subsidiary companies is employed directly or indirectly outside of Canada; provided that this exemption shall be allowed only if and to the extent that the country in which the subsidiary company is carrying

on business grants substantially similar relief to companies incorporated therein in respect of dividends received from subsidiary companies carrying on business in Canada; provided further that the exemption allowed hereunder in any one fiscal year of such Canadian company shall be limited in the aggregate to an amount equal to the sum of the profits of the subsidiary company subject to income tax abroad in the fiscal year of and in the fiscal year next preceding the declaration of such dividend; provided further that in this clause "capital" shall mean all assets owned or employed in the business of the Canadian company and of all its wholly owned subsidiary companies, other than all inter-company obligations between such companies and goodwill;

- (g) That part of the income of any incorporated company, the head office of which is situated outside of Ontario, derived as interest on bonds and obligations of other incorporated companies and of governments, municipal and school corporations and as dividends from other incorporated companies. Investment income of extra provincial corporations.

(5) In computing the amount of income to be assessed, a deduction shall not be allowed in respect of,— Deductions not allowed.

- (a) any disbursement or expense not wholly, exclusively and necessarily laid out or expended for the purpose of earning income; Expenses not laid out to earn income.
- (b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act; Capital outlay or losses, etc.
- (c) the annual value of property, real or personal, except rent actually paid for the use of such property, used in connection with the business of an incorporated company to earn income; Annual value of property.
- (d) amounts transferred or credited to a reserve, contingent account or sinking fund, except such amount for bad debts as the Treasurer may allow and except as otherwise provided in this Act; Reserves, contingent accounts and sinking funds.
- (e) carrying charges or expenses of unproductive property or assets not acquired for the purposes of the trade or business of the incorporated company or of a liability not incurred in connection with the trade or business of the incorporated company; Carrying charges.

Application
of carrying
charges.

- (f) carrying charges of property the income from which is exempt, except to the extent that such carrying charges exceed the exempt income;

Expenses
payable to
controlling
company
abroad.

- (g) any sums charged by any company or organization outside of Canada to a company incorporated under the laws of the Dominion of Canada or of any province of Canada in respect of management fees or services or for the right to use patents, processes or formulae presently known or yet to be discovered, or in connection with the letting or leasing of anything used in Canada, irrespective of whether a charge or price is agreed upon or otherwise, if the company or organization to which such sums are payable, or the company incorporated under the laws of the Dominion of Canada or of any province of Canada is controlled directly or indirectly by any company or group of companies or persons within or without Canada which are affiliated one with the other by the holding of shares or by agreements or otherwise; provided that a portion of any such charges may be allowed as a deduction if the Treasurer is satisfied that the charges are reasonable for services actually rendered or the use of anything actually used in Canada;

Dividends
on income
bonds or
income de-
bentures.

- (h) the distribution of earnings by any incorporated company to holders of its income bonds or income debentures; provided that in cases where such income bonds or income debentures have been issued or the income provisions thereof have been adopted since the close of the fiscal year of the incorporated company ending in 1930, in consequence of an adjustment of previously existing bonds or debentures bearing an unconditional fixed rate of interest, which adjustment, to the satisfaction of the Treasurer, was occasioned by financial difficulties of the debtor incorporated company or its predecessor and was intended to afford some relief to such debtor incorporated company or its predecessor, then the provisions of this subclause shall not apply; or

Tax paid to
Dominion of
Canada.

- (i) the amount of tax paid on account of net income to the Dominion of Canada and to any other jurisdiction including Ontario.

Limitation
of certain
expenses
charged
against
income.

- (6) The Treasurer may disallow as an expense the whole or any portion of any salary, bonus, commission, director's fee or other charge which in his opinion is in excess of what is reasonable for the services performed.

(7) An incorporated company shall be entitled to deduct Deduction from tax on income. from the tax calculated upon net income which would otherwise be payable by it under this Act the amount of the tax calculated upon net income which was paid or payable during the fiscal year for which tax under this Act is imposed to the government of any province, state or country outside of Ontario with the exception of the tax paid to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of net income derived from sources within each such province, state or country, and provided that the net income derived from sources within each such province, state or country shall be determined in the following manner:

- (a) In the case of an incorporated company the business Ship transportation companies. of which is that of ship transportation the amount of net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total amount of tonnage of its ships which operated during such fiscal year multiplied by the total number of times each such ship called at any port during such fiscal year plus the total amount of tonnage of its ships which did not operate during such fiscal year;
- (b) In the case of an incorporated company the business Other transportation companies. of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the number of miles travelled by its buses,

trucks or aircraft during the fiscal year of such company in each such province, state or country bears to the total number of miles travelled by its buses, trucks or aircraft during such fiscal year;

Companies
dealing in
fixed assets.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent or which merely holds assets or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

All other
incorporated
companies.

- (d) In the case of every other incorporated company, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the gross sales made to or the gross revenue received from customers residing in each such province, state or country excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations bear to the total gross sales made or gross revenue received, excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations;

provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

- (e) In the case of any incorporated company having its statutory head office in Ontario, any part of whose net income consists of dividends and interest from investments in the shares and bonds of other incorporated companies and of governments, municipal and school corporations, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

(8) Any such deduction shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer of the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of net income.

15. In addition to the taxes imposed by sections 5, 11 and 13 any incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall pay a tax of two per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

16. Unless otherwise provided in this Act, any tax imposed by this Act shall be determined upon the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of such tax is to be ascertained as such stock, mileage or other subject stood at the end of the fiscal year of the company for which the tax is imposed, provided that, in reference to the number of places of business, the number shall be the maximum number opened during such fiscal year and provided further that in reference to gross premiums of insurance companies and the net income of incorporated companies the amount on which any tax imposed by this Act shall be calculated shall be the gross premiums received or the

net income earned during the fiscal year of the company for which the tax is imposed.

Company to
file annual
return.

17.—(1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends four months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purposes of carrying out the provisions of this Act.

Verification
of returns.

(2) The return shall be verified by a certificate certifying that the financial statements included in the return or attached thereto are in agreement with the books of the company and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require.

Return of
dividends.

(3) In addition to the return required by subsection 1, every company from which a return is required by subsection 1 shall, on or before the 15th day of the month which ends three months following the close of the fiscal year of such company, deliver to the Treasurer a return of all dividends and bonuses paid to shareholders and members, and such return shall be in the form prescribed by the Lieutenant-Governor in Council.

Penalty for
default.

18.—(1) When any company is in default in complying with the provisions of subsection 1 of section 17, such company shall be liable to a penalty of five per centum of the tax payable by such company; provided that such penalty shall not in any case exceed \$500.

Idem.

(2) When any company is in default in complying with the provisions of subsection 3 of section 17, such company shall be liable to a penalty of \$10 for each day of such default; provided that such penalty shall not in any case exceed \$50.

Failure to
complete
return.

(3) When any company fails to complete the information required on the return prescribed by the Lieutenant-Governor in Council under subsection 1 of section 17, such company shall be liable to a penalty of one per centum of the tax payable by it; provided that such penalty shall not in any case be less than \$1 and shall not in any case exceed \$20.

False
statement.

(4) For every false statement contained in any return made or any information furnished to the Treasurer by any person,

such person shall be liable to a penalty not exceeding \$10,000 or to imprisonment for six months or to both fine and imprisonment.

19. The Treasurer may, before or after the time for making it, enlarge the time for making any return. Time for making return.

20.—(1) The taxes imposed by this Act shall be deemed to be due on the last day of the fiscal year of the company for which such taxes are imposed and shall be payable on or before the last day of the month which ends four months from the close of such fiscal year. Taxes, — when to accrue.

(2) Every company on which a tax is imposed by this Act shall send with the return required by subsection 1 of section 17, not less than one-third of the amount of the tax payable as estimated by the company in the return and may pay the balance of such tax within four months thereafter together with interest at the rate of five per centum per annum upon such balance calculated from the last day prescribed for making such return until the date of payment. Tax to be forwarded with return.

(3) When any company on which a tax is imposed by this Act pays less than one-third of the amount of the tax payable as estimated by the company in the return or fails to make any payment on or before the date on which the tax is payable, or fails to pay the balance of the tax as estimated by the company in the return, within four months thereafter, the company shall pay, in addition to the interest at five per centum per annum, provided by subsection 2, interest at the rate of three per centum per annum upon the deficiency calculated from the date of default until the date of payment. Where less than one-third of tax paid.

21.—(1) The returns received by the Treasurer shall with all possible despatch be checked and examined. Returns examined.

(2) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information, or a return from any company which has not made a return or a complete or sufficient return, he may by registered letter, demand from such company, or from the president, manager, secretary, agent or representative thereof such information, additional information or return and the company, president, manager, secretary, agent or representative upon whom such a demand is made shall deliver to the Treasurer such information, additional information or return within thirty days of the mailing of such registered letter. Demand for additional information.

(3) The Treasurer may, by registered letter, require the production under oath or otherwise, by any such company or the president, manager, secretary, agent or representative of such company, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion Production of letters, accounts, etc.

of the income of any such company, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

Production of evidence to prove tax payable by another company.

(4) The Treasurer may, by registered letter, require production, under oath or otherwise, by any person, partnership, syndicate, trust or company, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or company or of his or its agent, for the purpose of determining what tax, if any, is payable by any other company and production shall be made within thirty days of the mailing of such registered letter.

Books of account to be kept.

(5) If any company fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax payable under this Act, the Treasurer may require such company to keep such records and accounts as he may prescribe.

Penalty.

(6) For every default in complying with the provisions of subsections 2 to 5 the company or persons, or both, in default shall jointly and severally be liable to a penalty of \$25 for each day during which the default continues.

Compliance of Treasurer to be proved by affidavit.

(7) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with the provisions of this section as well as the failure of any person, partnership, syndicate, trust, incorporated company or other company to comply with the requirements of this section shall be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department of Ontario.

Inquiry as to paid-up capital, income, etc.

(8) Any officer authorized by the Treasurer may make such inquiry as he may deem necessary to ascertain the paid-up capital, net income or other subject of any company, and for the purposes of such inquiry, such officer shall have all the powers and authority of a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat., c. 19.

Treasurer not bound by returns.

(9) No return or information supplied by or on behalf of any company shall be binding upon the Treasurer, and notwithstanding any such return or information, or in the absence of any return or information, the Treasurer may determine the amount of the tax to be paid by any company.

Notice of assessment.

(10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month

from the date of mailing of the notice of assessment, and subject to the provisions of section 20, such additional tax shall bear interest at the rate of five per centum per annum calculated from the last day prescribed for making such return to the date of payment.

(11) If any company fails to pay such additional tax and interest within one month from the date of the mailing of the notice of assessment, the company shall pay, in addition to the interest provided by subsection 10, interest at the rate of three per centum per annum upon the additional tax calculated from the expiry of the period of one month from the date of the mailing of the notice of assessment to the date of payment; provided that notwithstanding the date of the mailing of any notice of assessment, the additional rate of interest provided herein shall not commence to accrue earlier than the last day of the month ending eight months following the close of the fiscal year of such company. Penalty for non-payment of additional tax.

(12) The Treasurer may refund at, prior to or after issue of the notice of assessment, any overpayment of tax, interest or penalties made by the company, provided application in writing is made therefor by the company within six months of the date of the payment of the tax or the date on which the notice of assessment was issued, and any refund of tax made under this subsection may be paid with interest at the rate of three per centum per annum thereon calculated from six months after the time the tax first became overpaid, provided that no interest shall be paid where the refund of tax made is less than \$50. Refund.

(13) Notwithstanding any prior assessment or if no assessment has been made the company shall continue to be liable for any tax imposed by this Act and to be assessed therefor and the Treasurer may at any time assess, re-assess or make additional assessments upon any company for tax and penalties. Confirmation of liability of tax.

22.—(1) Any company which objects to the amount at which it is assessed, or which considers that it is not liable to taxation under this Act, may by itself or by its solicitor, within one month after the date of the mailing of the notice of assessment provided for in subsection 10 of section 21, serve a notice of appeal upon the Treasurer. Notice of appeal.

(2) Such notice of appeal shall be in writing and shall be served by mailing the same by registered post addressed to the Treasurer. Notice in writing.

(3) Every such notice shall, as closely as may be, follow the form contained in the First Schedule of this Act, and shall set out clearly the reasons for appeal and all facts relative thereto. Form of notice of appeal.

Decision to
affirm or
amend
assessment.

23. Upon receipt of the said notice of appeal the Treasurer shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant company of his decision by registered post.

Notice of
dissatisfac-
tion respect-
ing the
decision.

24.—(1) If the appellant company, after receipt of the said decision, is dissatisfied therewith, it may, within one month from the date of the mailing of the said decision, mail to the Treasurer by registered post, a notice entitled,—

THE CORPORATIONS TAX ACT, 1939

NOTICE OF DISSATISFACTION

In re the appeal of.....of the
.....of.....in the
Province of.....

stating that it desires its appeal to be set down for trial.

Statement
with notice.

(2) The appellant company shall forward therewith a final statement of such further facts, statutory provisions and reasons which it intends to submit to the court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal.

Security.

25.—(1) The appellant company shall thereupon give security in a sum of not less than \$400 or such lesser amount as the Treasurer may require for the costs of the appeal in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant company may pay into court a sum of not less than \$200 or such lesser amount as the Treasurer may require in which case such company shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment.

Proceedings
voided.

(2) Unless such security is furnished by the appellant company within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void.

Decision
upon receipt
of statement
of facts.

26. Upon receipt of the said notice of dissatisfaction and statement of facts, a reply thereto shall be mailed by registered post admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment.

27.—(1) Within two months from the date of the mailing of the said reply, the Treasurer shall cause to be transmitted to the registrar of the Supreme Court of Ontario or the local registrar of the said Court for the county or district in which the appellant company has its head or other office or transacts business, to be filed in the said Court, copies of the following documents: Copy of documents to be filed.

- (a) The Corporations Tax Return of the appellant company, if any, for the fiscal year under review;
- (b) The Notice of Assessment appealed;
- (c) The Notice of Appeal;
- (d) The Decision;
- (e) The Notice of Dissatisfaction;
- (f) The Reply; and
- (g) All other documents and papers relative to the assessment under appeal.

(2) The matter shall thereupon be deemed to be an action in the said Court and shall be set down for trial forthwith by the registrar or local registrar as the case may be, and thereafter shall be proceeded with in the same manner as an action commenced in the said Court; provided that the Court or a judge may at any time prior to the commencement of the trial make such order relating to the delivery of pleadings as may be deemed proper. Matter deemed action.

(3) The practice and procedure of the Supreme Court of Ontario, including the right of appeal and the practice and procedure relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the said Court. Supreme Court practice to govern.

28. All subsequent proceedings shall be entitled:

Title of cause.

In re *The Corporations Tax Act* and the appeal
of of in the
Province of

and notice and copies of all further proceedings shall be served upon the Treasurer.

Conditional
limitation
of evidence.

29.—(1) After an appeal has been set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the Court or a judge thereof may direct.

Matter may
be referred
back to
Treasurer.

(2) The Court may refer the matter back to the Treasurer for further consideration.

Jurisdiction
of Court.

30. Subject to the provisions of this Act, the Supreme Court of Ontario shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said Court may seem right and proper.

Irregulari-
ties not to
effect
validity of
assessment.

31. An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Proceedings
in camera.

32. Proceedings before the Supreme Court of Ontario hereunder shall be held in camera upon request made to the Court by any party to the proceedings.

Right of
appeal
barred.

33. If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the company assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.

Recovery of
penalty or
tax.

34.—(1) Upon default of payment by any company of any tax or penalty, or both, imposed upon such company by this Act,—

- (a) The Treasurer may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;
- (b) The Treasurer may issue a warrant in the form prescribed by the regulations and directed to the sheriff of any county or district in which any property of the company is located or situate, for the amount

of the tax, interest and penalty, or any of them, owing by the company to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court of Ontario;

- (c) The Treasurer or any officer authorized by him may enter upon the premises of the company or any other place in Ontario where the books or records of the company or any part of them are kept and make such investigation and examination as he may deem necessary, and may seize all or any of such books and records and may, by notice in writing, require that any person, partnership, syndicate, trust or corporation who may be indebted to such company shall pay such indebtedness to the Treasurer.

(2) Except where otherwise specifically provided the penalties imposed by this Act may be recoverable under *The Summary Convictions Act* and shall be payable to the Treasurer of Ontario.

Penalties payable to Treasurer.
Rev. Stat., c. 136.

(3) The use of any of the remedies provided by this section shall not be a bar to or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of payment of any tax or penalty, or both, imposed by this Act shall be in addition to any other remedies existing by law, and no action or other proceeding taken shall in any way prejudice, limit or affect any lien, charge or priority existing under the provisions of this Act or otherwise.

Remedies for recovery of tax and penalty.

35.—(1) A notice under clause c of subsection 1 of section 34 may be served personally or by prepaid registered post addressed to such person, partnership, syndicate, trust or corporation at the address indicated in the books or records of the company and the receipt of payment of the amount of the indebtedness by the Treasurer shall constitute a good and sufficient discharge of the liability of such person, partnership, syndicate, trust or corporation to the company to the extent of the amount indicated in the receipt.

Manner of serving notice.

(2) Any person, partnership, syndicate, trust or corporation discharging any liability to a company owing taxes, penalties or both under this Act after the service of the notice referred to in subsection 1 shall be personally liable to the Treasurer to the extent of the amount of the liability discharged between such person, partnership, syndicate, trust or corporation and such company or to the extent of the amount of taxes, interest

Liability of debtor.

and penalties owing under this Act by the company whichever is the lesser amount and the Treasurer shall have the same remedies for the recovery of such amount from such person, partnership, syndicate, trust or corporation as he has for the recovery from a company* of a tax or penalty imposed upon it under this Act.

Priority
of tax.

36. Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay such tax or penalty or both.

Notice to be
given Treas-
urer of sale
of company's
goods, etc.

37.—(1) Where a company has failed to pay taxes and penalties imposed by this Act for a period in excess of three years from the date of the mailing of the notice of assessment provided by subsection 10 of section 21, no person shall sell any capital assets of such company unless he has given written notice by prepaid registered post to the Treasurer not less than ten days prior to the date of such sale.

Penalty.

(2) Every person who violates the provisions of subsection 1 shall be liable to a penalty of not less than an amount equal to the amount of such taxes and penalties in default, and such penalty shall be recoverable by action in any court in which a debt or money demand of a similar amount may be collected.

Compromis-
ing disputes
as to liabil-
ity for taxes.

38. If any doubt or dispute arises as to the liability of any company to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund the amount paid or any part thereof.

Penalty.

39. Every person who, and every company which violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and liable to a penalty of not less than \$50 and not exceeding \$500.

Regulations.

40. The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

- (b) prescribing the form of returns required to be made by this Act;
- (c) providing for the issuance of certificates as to the amount of taxes and penalties owing by any company under this Act and prescribing the fees payable therefor; and
- (d) generally for the better carrying out of the provisions of this Act.

41.—(1) Notwithstanding anything contained in this Act, upon the approval by the Lieutenant-Governor in Council of an agreement between the Treasurer and the Minister, and subject to its provisions, the Minister and the Commissioner of Income Tax are hereby authorized to exercise in the place and stead, on behalf of or as agent for the Treasurer and Controller of Revenue, such of the powers and duties imposed upon the Treasurer and the Controller of Revenue respectively under this Act as may be specified in the said agreement. Agreement between Treasurer and Minister.

(2) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred by the Minister in carrying out the provisions of this Act. Expenses.

42. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor. Declarations and affidavits.

43.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act. Secrecy.

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding \$200. Penalty.

44.—(1) There shall be set apart from the Consolidated Revenue Fund on the 31st day of December in each year a sum equal to one-half the receipts of the province during such year for taxes from railway companies under subsection 1 of section 5 after deducting therefrom the sum of \$30,000 and the sum so set apart shall, on the 31st day of December in each year, be credited to the cities, towns, villages and Distribution of one-half the revenue from railway tax among municipalities.

organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding Dominion census, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this Act.

Fixing
amounts.

(2) The Lieutenant-Governor in Council may fix the amount per head of the population to be so credited without allowing for fractions of a cent.

Debiting
municipali-
ties with
cost of main-
tenance of
patients.

Rev. Stat.,
c. 392.

(3) Against the amount so credited there shall be charged, as a contribution towards his maintenance, a sum amounting to ten cents per patient per day for each patient belonging to the municipality maintained for the whole or any part of such year in any institution within the meaning of *The Mental Hospitals Act*, other than the Ontario Hospital, Woodstock, such charge to be made only in respect of patients on account of whose maintenance the Province is not in receipt from any source of \$1.50 per week or more.

Determining
liability of
municipality
to contribute
to mainten-
ance of
patients.

(4) All questions as to the liability of a municipal corporation to such charge shall be determined by an officer designated for that purpose by the Minister of Health, whose decision may at any time and from time to time be varied or cancelled by himself or by any other officer designated by the Minister of Health, and the certificate of the Minister of Health declaring the amount of such charge shall be accepted and acted upon by the Provincial Auditor without further evidence as determining the amount to be deducted under subsection 3.

Payment of
balance.

(5) The balance remaining at the credit of each municipal corporation after deducting such charge shall be forthwith paid by the Treasurer to the corporation.

Names of
patients to
be sent to
municipali-
ties.

(6) The name of every patient in respect of whom the charge is made shall be furnished annually to the municipal corporation but shall not be published in its accounts unless the council so directs.

Application
of Rev. Stat.,
c. 29 and
this Act.

Proviso.

45.—(1) The provisions of *The Corporations Tax Act* shall apply to companies in respect of all fiscal years ending before or during 1938 and the provisions of this Act shall apply thereafter provided that the provisions of this Act relating to the collection of taxes shall apply to the collection of taxes payable under *The Corporations Tax Act*, and provided further that every company the fiscal year of which ended on and after the 1st day of November, 1938, and up to and including the 31st day of December, 1938, shall,—

- (a) deliver the returns required by *The Corporations Tax Act* in respect of the fiscal year ending within such period to the Treasurer on or before the 30th day of April, 1939; and
- (b) pay the taxes imposed by *The Corporations Tax Act* for such fiscal year on or before the 30th day of April, 1939;

and the penalties imposed by subsection 2 of section 9 and subsection 1 of section 11 of *The Corporations Tax Act* shall apply to such companies as from the 30th day of April, 1939.

(2) Subject to the provisions of subsection 1, sections 1, 2, subsections 1 to 12 and 19 to 21 of section 3, sections 4 to 13 and sections 20 to 26 of *The Corporations Tax Act* are repealed. Certain sections and subsections of Rev. Stat., c. 29, repealed.

46. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

47. This Act may be cited as *The Corporations Tax Act*, 1939. Short title.

FIRST SCHEDULE

In re *The Corporations Tax Act*, 1939.....
 of the.....of.....
 Province of.....
 Appellant.

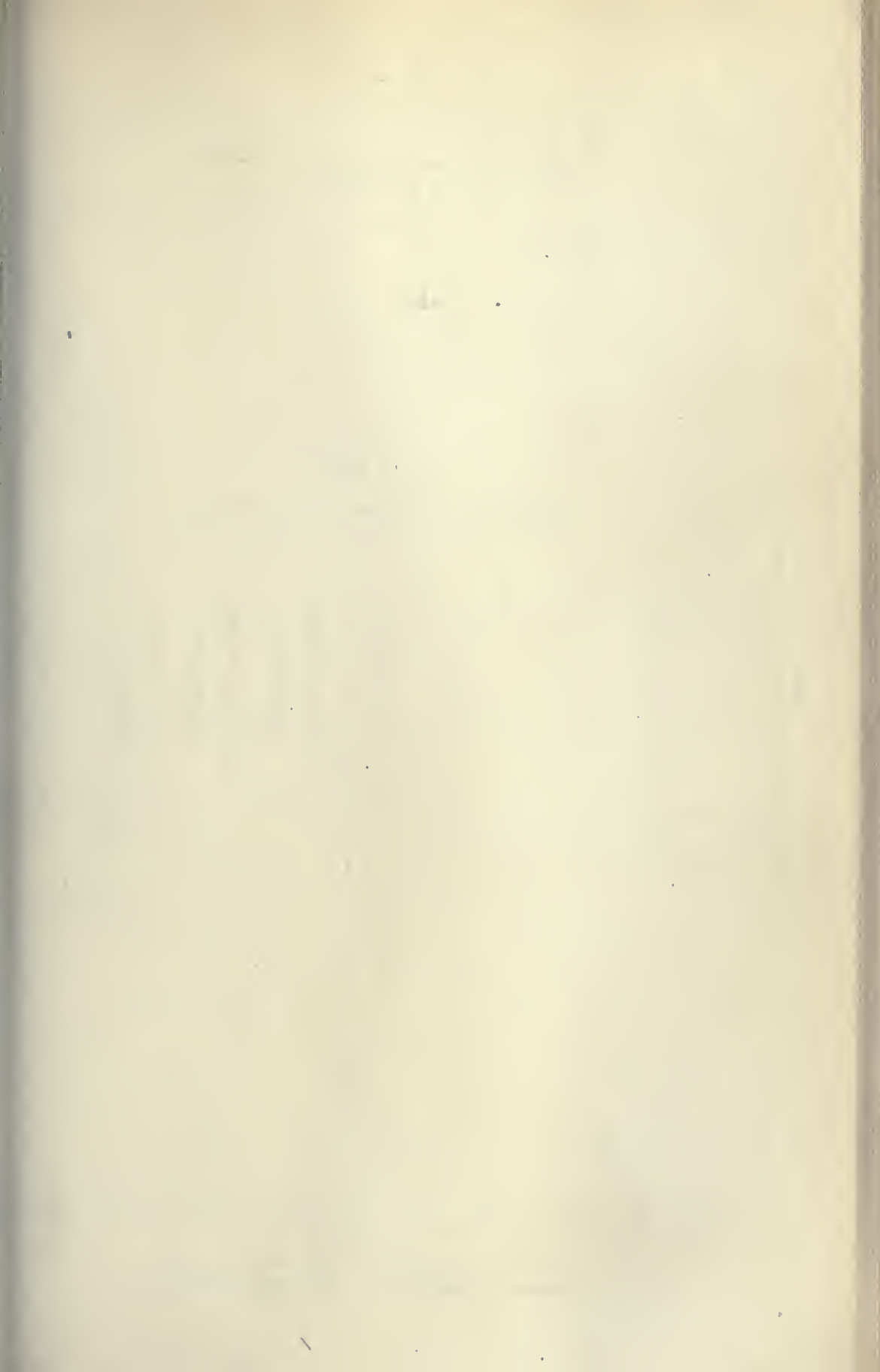
Notice of Appeal is hereby given from the assessment bearing date the.....day of.....19...., wherein a tax in the sum of \$.....levied in respect of paid-up capital, net income or other subject for the fiscal year ended in 19.....

Then follow with,—

1. Full statement of facts;
2. Full statement of reasons for appeal.

Dated this.....day of.....19....

.....
 (Signature)



BILL

The Corporations Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

March 29th, 1939

3rd Reading

April 12th, 1939

MR. LEDUC

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Security Transfer Tax Act, 1939.

MR. LEDUC

No. 55

1939

BILL

The Security Transfer Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

"Regula-
tions."

(a) "Regulations" shall mean regulations passed under the authority of this Act;

"Security."

(b) "Security" shall include,—

(i) any share of capital stock or debenture stock and any bond or debenture issued by any association, company, corporation or government;

(ii) any participating interest in the operations or profits of any association, company or corporation represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, syndicate units and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities; and

(iii) guaranteed trust certificates and investment receipts;

"Treasurer."

(c) "Treasurer" shall mean Treasurer of Ontario.

Tax
imposed.

2. There shall be imposed, levied, collected and paid to His Majesty for the uses of Ontario, a tax,—

(a) upon every change of ownership consequent upon the sale, transfer or assignment of a security made or carried into effect in Ontario;

EXPLANATORY NOTES

GENERAL. This Bill re-enacts those portions of *The Corporations Tax Act* relating to the imposition of a tax on the sale, transfer and assignment of securities.

SECTION 1. (a) This is self explanatory.

(b) This definition of security corresponds to the description of various classes of securities subject to tax as contained in subsection 1 of section 14 of *The Corporations Tax Act*.

(c) This is self explanatory.

SECTION 2. This section corresponds to the imposition of the tax as contained in subsection 1 of section 14 of *The Corporations Tax Act*, and sets out in greater clarity the various kinds of transactions on which a tax is payable.

- (b) upon every order given in Ontario for the sale, transfer or assignment of a security when such order is to be executed outside of Ontario;
- (c) upon every transfer or delivery of a security exchanged for another security in Ontario, provided that this clause shall not apply where the exchange of securities issued by one company is made for other securities issued by the same company to the same holder; and
- (d) upon every delivery in Ontario of a security held in Ontario for the account of a non-resident of Canada consequent upon the sale, transfer or assignment executed within or without Ontario by or for such non-resident;

provided that only one of the clauses contained in this section shall apply to the same transaction.

Amount of
tax.

3.—(1) The tax imposed by section 2 shall be as follows:

- (a) Three cents for every one hundred dollars or fraction thereof, of the par value of a bond, debenture or debenture stock;
- (b) For every share sold, transferred or assigned at a price or valuation of,—
 - (i) over one hundred and fifty dollars per share, four cents per share, plus one-tenth of one per centum of the price or value of the said share in excess of one hundred and fifty dollars,
 - (ii) over seventy-five dollars per share, but not more than one hundred and fifty dollars per share, four cents per share,
 - (iii) over fifty dollars per share, but not more than seventy-five dollars per share, three cents per share,
 - (iv) over twenty-five dollars per share, but not more than fifty dollars per share, two cents per share,
 - (v) over five dollars per share, but not more than twenty-five dollars per share, one cent per share,

SECTION 3.—(1) This subsection corresponds to that portion of subsection 1 of section 14 of *The Corporations Tax Act* which sets forth the rates of tax. Clause *b* contains the only change in rates, the change being made to have the rates exactly conform to those imposed by Part VII of *The Special War Revenue Act (Canada)*.

(vi) one dollar per share, but not more than five dollars per share, one-quarter of one cent per share, and

(vii) less than one dollar per share, one-tenth of one per centum of the price or value; and

(c) Three cents for every one hundred dollars or fraction thereof of the price or value of each syndicate unit, mineral deed, oil royalty, guaranteed trust certificate or investment receipt.

Determina-
tion of value.

(2) Except as hereinafter provided, if a change of ownership otherwise than by sale at the current market price is effected, of any share of stock, such change of ownership shall be subject to the tax imposed by this Act, computed on the basis of the current market price of such share of stock.

Idem.

(3) In any case where a current market price has not been established by recent sales, or where it is difficult to ascertain the value of the shares of stock, the Treasurer may fix a price which shall be the price on which the tax shall be paid.

"Share of
stock,"
meaning of.

(4) In this section the terms "share" and "share of stock" shall include a share of any participating interest in the operations or profits of any association, company or corporation and to a guaranteed trust certificate and an investment receipt.

Manner of
payment.

4. The tax imposed by this Act shall be payable in security transfer tax stamps or cash by the vendor, transferor, assignor or, in the case of transfers and deliveries referred to in clauses *c* and *d* of section 2, by the person, company, corporation, bank or trust company making delivery.

Transactions
exempt.

5.—(1) The following transactions shall not be subject to the tax imposed by this Act,—

(a) the sale, transfer or assignment of any bond, debenture or share of debenture stock of the Dominion of Canada or of any province of Canada;

(b) the allotment by any association, company or corporation of its shares in order to effect an issue thereof, and the first issue of a bond, debenture, share of debenture stock or of any participating interest in the operations or profits of any association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities; and

(2) This subsection corresponds to subsection 2 of section 14 of *The Corporations Tax Act*.

(3) This subsection corresponds to subsection 3 of section 14 of *The Corporations Tax Act*.

(4) This subsection is self explanatory.

SECTION 4. This section corresponds to the first part of subsection 4 of section 14 of *The Corporations Tax Act*, and clarifies the intent of the Act in determining the person by whom the tax shall be paid.

SECTION 5. This section corresponds to subsection 5 of section 14 of *The Corporations Tax Act*. It sets forth the kinds of transactions which are exempt from tax.

- (c) the first issue of a guaranteed trust certificate or investment receipt.

Underwriting
of bond,
etc., to be
deemed
first issue.

(2) For the purposes of this section the underwriting of a bond, debenture or debenture stock, or the first transaction whereby ownership or control is established, shall be deemed to be a first issue thereof.

Books and
records.

6.—(1) Every person liable under this Act or the regulations to collect or pay the tax imposed by this Act shall keep such books and records at his place of business in Ontario as the Treasurer may require, and such books and records shall be open at all reasonable times to the inspection of the officers of the Treasury Department or such other persons as may be authorized by the Treasurer to inspect them.

Failure to
keep books.

(2) If any person liable to maintain books and records for the purposes of this Act has, in the opinion of the Treasurer, failed to maintain adequate books and records, the Treasurer may assess the tax payable by such person and the tax so assessed shall be deemed to be due and payable forthwith.

Preventing
inspections.

(3) Any person who in any way prevents or attempts to prevent any such officer or other person from having access to or inspecting any such books and records, and any person who being liable to keep such books and records refuses to produce them for inspection as required by subsection 1, shall be liable to a penalty of not less than \$500 and not more than \$5,000.

Transaction
by Ontario
broker.

7. Every transfer, sale or assignment, ordered, made or carried into effect through a person carrying on a brokerage business in Ontario either for himself or on behalf of another person, shall be deemed to be ordered, made or carried into effect in Ontario unless the Treasurer certifies that the contrary has been established to his satisfaction.

Collection
of tax.

8.—(1) Every stock broker, bond dealer, bank, trust company, person, company or corporation selling, transferring or assigning a security or taking or making delivery of a security on behalf of any person, shall collect from such person, the tax imposed by this Act and remit the amount thereof if paid in money, to the Treasurer in accordance with the regulations, and for such purpose the stock broker, bond dealer, bank, trust company, person, company or corporation shall be the agent of the Treasurer.

Penalty for
failure to
collect tax.

(2) Every stock broker, bond dealer, bank, trust company, person, company or corporation which fails to comply with the provisions of subsection 1 shall be liable, in addition to the payment of the tax collected or to be collected, to a penalty of \$500.

SECTION 6.—(1) This subsection corresponds to subsection 6 of section 14 of *The Corporations Tax Act*.

(2) This subsection corresponds to subsection 8 of section 14 of *The Corporations Tax Act*.

(3) This subsection corresponds to subsection 7 of section 14 of *The Corporations Tax Act*.

SECTION 7. This section clarifies the interpretation of various transactions which are taxable.

SECTION 8. This section appoints brokers, bond dealers, banks, trust companies, etc., as agents of the Treasurer to collect the tax in various circumstances. This is to bring the Act into line with the practice of the Department.

Annual
return.

9.—(1) Every company or corporation, including every extra-provincial company or corporation which has a branch, or an agency, or an office of any kind in Ontario, shall on or before the last day of the month ending four months following the close of its fiscal year make an annual return to the Treasurer showing every sale, transfer or assignment of any security issued by such company or corporation made or carried into effect in Ontario, together with the amount of tax collected under this Act.

Verification
of return.

(2) The return shall be verified by a certificate certifying that the statements in the return are in agreement with the books and records of the company or corporation, and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company or corporation, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require.

Record of
stock
exchange.

(3) In the case of a company or corporation, the shares, bonds, or debenture stock of which are sold and transferred upon an incorporated stock exchange, the Treasurer may accept a return from such exchange showing the total amount of such sales, transfers or assignments and the total amount of the tax collected under this Act.

Records of
transfer
agent.

(4) In the case of a company or corporation which has duly appointed a trust company as transfer agent for its shares, bonds or debenture stock, the Treasurer may accept, in lieu of the annual return of such company, a statement from the transfer agent to the effect that the tax on all transfers made during the preceding year has been accounted for in accordance with the provisions of this Act and the regulations.

Penalty for
violation.

(5) If a company or corporation makes default in complying with the provisions of this section, the company or corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the company or corporation who wilfully authorizes or permits such default shall incur a like penalty.

Penalty for
permitting
entry in
register.

10. Any company or corporation entering or permitting the entry in any book or register under its control of any sale, transfer, or assignment of any security issued by it, unless the tax has been paid when such entry is made, shall incur a penalty of not less than an amount equal to the amount of the tax due and a further amount of not less than \$20 and not more than \$50.

SECTION 9. This section corresponds to section 15 of *The Corporations Tax Act*. A definite date is set for the filing of returns and this is the same date as the date upon which corporations are required to file returns under *The Corporations Tax Act, 1939*.

SECTION 10. This section corresponds to section 16 of *The Corporations Tax Act*.

Obtaining
of informa-
tion.

11. For the purpose of obtaining any information which he may deem necessary for the purposes of this Act, the Treasurer may,—

(a) demand from any company or corporation or any officer or employee thereof, or any other person, such information as may be indicated in a letter delivered or sent by prepaid post to such company, corporation, officer, employee or other person and every such company, corporation, officer, employee or other person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or

(b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

Rev. Stat.,
c. 19.

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause

Liability
for tax.

12. Notwithstanding any prior assessment or if no assessment has been made the person liable thereto shall continue to be liable for any tax imposed by this Act, or by *The Corporations Tax Act* upon a change of ownership of a share, bond or other security, and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any person for tax and penalties.

Demand
for payment.

13. Where the Treasurer finds any tax to be owing by any person he may send a demand for the payment of such tax to such person by prepaid post and such person shall pay the amount of the tax to the Treasurer within thirty days of the sending of such demand and in default of payment of such amount, a penalty of five per centum of the amount of tax payable shall be added thereto and thereafter a further penalty of one per centum per month shall be added for each additional month or portion thereof during which the tax and penalty remain unpaid, and the penalties imposed by this subsection shall be recoverable in the same manner as taxes imposed by this Act.

Tax payable
outside
Ontario.

14. When it is shown to the satisfaction of the Treasurer that any change of ownership consequent upon the sale, transfer or assignment of a security, or upon any other transaction mentioned in section 2, is subject to a tax outside of Ontario and is subject to a similar tax under the laws of

SECTION 11. This section corresponds to subsections 2 to 8 of section 13 of *The Corporations Tax Act* and gives authority to the Treasurer to make investigations in order to verify that the amount of the tax paid or payable is correct.

SECTION 12. This section corresponds to subsection 14 of section 13 of *The Corporations Tax Act*.

SECTION 13. This section provides for the demand for payment of a tax found to be due and the manner in which it shall be paid.

SECTION 14. This section corresponds to subsection 1 of section 19 of *The Corporations Tax Act* and is self explanatory.

Ontario, he may make an allowance from the tax payable in Ontario in respect of the tax so paid.

Tax to be
lien and
charge on
property.

15. Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the person liable to pay the tax or penalty.

Penalty for
false state-
ment;

16. Every person who makes any return or furnishes any information to the Treasurer under this Act containing any false statement shall be liable to a penalty of not more than \$10,000.

Violations.

17. Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this Act, or who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable for every such violation to a penalty of not less than an amount equal to the amount of the tax due and not more than an amount equal to \$500 more than the amount of the tax due; provided that where no tax is due by such person the penalty shall be not less than \$50 and not more than \$500.

Recovery of
tax and
penalties.

18.—(1) The tax imposed by this Act and the penalties imposed by sections 8, 9, 10, 13, 17, and 18 may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury.

Penalties.

(2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer.

Rev. Stat.,
c. 136.

Dispute as
to liability
for tax.

19. If any doubt or dispute arises as to the liability of a person to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund it or any part thereof.

Regulations.

20. The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

SECTION 15. This section corresponds to section 22 of *The Corporations Tax Act*.

SECTION 16. This section corresponds to subsection 2 of section 11 of *The Corporations Tax Act*.

SECTION 17. This section provides a penalty for any violation of the provisions of the Act for which no other penalty is provided.

SECTION 18. This section corresponds to section 21 of *The Corporations Tax Act* and provides for the manner in which taxes and penalties imposed under this Act may be collected.

SECTION 19. This section corresponds to section 24 of *The Corporations Tax Act*.

SECTION 20. This section provides authority to the Lieutenant-Governor in Council to make regulations, the clauses herein corresponding respectively to the following clauses and subsections of *The Corporations Tax Act*: Clauses *f, c* of section 20; subsections 9, 4 of section 14; subsection 2 of section 19 and clause *g* of section 20.

- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) determining what constitutes a sale, transfer or assignment within the meaning of this Act;
- (d) prescribing in any case or class of cases the manner in which and the persons by whom the amount of any tax shall be computed and collected for and on behalf of His Majesty;
- (e) providing for the sale of stamps at a discount not exceeding three per centum to such persons and for such periods as he deems advisable; and
- (f) generally for the better carrying out of the provisions of this Act.

Affidavits
and declara-
tions.

21. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor.

Information
obtained
under Act, —

22.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

penalty for
disclosing.

(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200.

Rev. Stat.,
c. 29,
ss. 14-19,
repealed.

23. Sections 14, 15, 16, 17, 18 and 19 of *The Corporations Tax Act* are repealed.

Commence-
ment of Act.

24. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

25. This Act may be cited as *The Security Transfer Tax Act, 1939*.

SECTION 21. This is self explanatory.

SECTION 22. This is self explanatory.



The Security Transfer Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

3rd Reading

MR. LEDUC

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Security Transfer Tax Act, 1939.

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(b) “Security” shall include,—

(i) any share of capital stock or debenture stock and any bond or debenture issued by any association, company, corporation or government;

(ii) any participating interest in the operations or profits of any association, company or corporation represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, syndicate units and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities; and

(iii) guaranteed trust certificates and investment receipts;

“Treasurer.”

(c) “Treasurer” shall mean Treasurer of Ontario.

Tax
imposed.

2. There shall be imposed, levied, collected and paid to His Majesty for the uses of Ontario, a tax,—

(a) upon every change of ownership consequent upon the sale, transfer or assignment of a security made or carried into effect in Ontario;

EXPLANATORY NOTES

GENERAL. This Bill re-enacts those portions of *The Corporations Tax Act* relating to the imposition of a tax on the sale, transfer and assignment of securities.

SECTION 1. (a) This is self explanatory.

(b) This definition of security corresponds to the description of various classes of securities subject to tax as contained in subsection 1 of section 14 of *The Corporations Tax Act*.

(c) This is self explanatory.

SECTION 2. This section corresponds to the imposition of the tax as contained in subsection 1 of section 14 of *The Corporations Tax Act*, and sets out in greater clarity the various kinds of transactions on which a tax is payable.

- (b) upon every order given to any person, firm or corporation in Ontario for the sale, transfer or assignment of a security when such order is to be executed outside of Ontario;
- (c) upon every transfer or delivery of a security exchanged for another security in Ontario, provided that this clause shall not apply where a company through a reorganization of its capital structure calls in or redeems part or all of its issued securities and replaces them by other securities issued by such company to the same security holders; and
- (d) upon every delivery in Ontario of a security held in Ontario for the account of a non-resident of Canada consequent upon the sale, transfer or assignment executed within or without Ontario by or for such non-resident;

provided that only one of the clauses contained in this section shall apply to the same transaction.

Amount of
tax.

3.—(1) The tax imposed by section 2 shall be as follows:

- (a) Three cents for every one hundred dollars or fraction thereof, of the par value of a bond, debenture or debenture stock;
- (b) For every share sold, transferred or assigned at a price or valuation of,—
 - (i) over one hundred and fifty dollars per share, four cents per share, plus one-tenth of one per centum of the price or value of the said share in excess of one hundred and fifty dollars,
 - (ii) over seventy-five dollars per share, but not more than one hundred and fifty dollars per share, four cents per share,
 - (iii) over fifty dollars per share, but not more than seventy-five dollars per share, three cents per share,
 - (iv) over twenty-five dollars per share, but not more than fifty dollars per share, two cents per share,
 - (v) over five dollars per share, but not more than twenty-five dollars per share, one cent per share,

SECTION 3.—(1) This subsection corresponds to that portion of subsection 1 of section 14 of *The Corporations Tax Act* which sets forth the rates of tax. Clause *b* contains the only change in rates, the change being made to have the rates exactly conform to those imposed by Part VII of *The Special War Revenue Act (Canada)*.

(vi) one dollar per share, but not more than five dollars per share, one-quarter of one cent per share, and

(vii) less than one dollar per share, one-tenth of one per centum of the price or value; and

(c) Three cents for every one hundred dollars or fraction thereof of the price or value of each syndicate unit, mineral deed, oil royalty, guaranteed trust certificate or investment receipt.

Determina-
tion of value.

(2) Except as hereinafter provided, if a change of ownership otherwise than by sale at the current market price is effected, of any share of stock, such change of ownership shall be subject to the tax imposed by this Act, computed on the basis of the current market price of such share of stock.

Idem.

(3) In any case where a current market price has not been established by recent sales, or where it is difficult to ascertain the value of the shares of stock, the Treasurer may fix a price which shall be the price on which the tax shall be paid.

"Share of
stock,"
meaning of.

(4) In this section the terms "share" and "share of stock" shall include a share of any participating interest in the operations or profits of any association, company or corporation and to a guaranteed trust certificate and an investment receipt.

Manner of
payment.

4. The tax imposed by this Act shall be payable in security transfer tax stamps or cash by the vendor, transferor, assignor or, in the case of transfers and deliveries referred to in clauses *c* and *d* of section 2, by the person, company, corporation, bank or trust company making delivery.

Transactions
exempt.

5.—(1) The following transactions shall not be subject to the tax imposed by this Act,—

- (a) the sale, transfer or assignment of any bond, debenture or share of debenture stock of the Dominion of Canada or of any province of Canada;
- (b) the allotment by any association, company or corporation of its shares in order to effect an issue thereof, and the first issue of a bond, debenture, share of debenture stock or of any participating interest in the operations or profits of any association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities;

(2) This subsection corresponds to subsection 2 of section 14 of *The Corporations Tax Act*.

(3) This subsection corresponds to subsection 3 of section 14 of *The Corporations Tax Act*.

(4) This subsection is self explanatory.

SECTION 4. This section corresponds to the first part of subsection 4 of section 14 of *The Corporations Tax Act*, and clarifies the intent of the Act in determining the person by whom the tax shall be paid.

SECTION 5. This section corresponds to subsection 5 of section 14 of *The Corporations Tax Act*. It sets forth the kinds of transactions which are exempt from tax.

(c) the first issue of a guaranteed trust certificate or investment receipt; and



(d) the transfer or assignment of a security made by a borrower *bona fide* as collateral security for an advance or loan and the retransfer or reassignment of such security to the borrower, provided that upon the property in the security passing to the lender as a result of the failure of the borrower to satisfy such advance or loan a change of ownership shall be deemed to have occurred and shall be subject to the tax imposed by this Act.



Underwriting
of bond,
etc., to be
deemed
first issue.

(2) For the purposes of this section the underwriting of a bond, debenture or debenture stock, or the first transaction whereby ownership or control is established, shall be deemed to be a first issue thereof.

Books and
records.

6.—(1) Every person liable under this Act or the regulations to collect and pay the tax imposed by this Act shall keep such books and records at his place of business in Ontario as the Treasurer may require, and such books and records shall be open at all reasonable times to the inspection of the officers of the Treasury Department or such other persons as may be authorized by the Treasurer to inspect them.

Failure to
keep books.

(2) If any person liable to maintain books and records for the purposes of this Act has, in the opinion of the Treasurer, failed to maintain adequate books and records, the Treasurer may assess the tax payable by such person and the tax so assessed shall be deemed to be due and payable forthwith.

Preventing
inspections.

(3) Any person who in any way prevents or attempts to prevent any such officer or other person from having access to or inspecting any such books and records, and any person who being liable to keep such books and records refuses to produce them for inspection as required by subsection 1, shall be liable to a penalty of not less than \$500 and not more than \$5,000.

Transaction
by Ontario
broker.

7. Every transfer, sale or assignment, ordered, made or carried into effect through a person engaged in the business of a broker within the meaning of The Securities Act in Ontario either for himself or on behalf of another person, shall be deemed to be ordered, made or carried into effect in Ontario unless the Treasurer certifies that the contrary has been established to his satisfaction.

Collection
of tax.

8.—(1) Every stock broker, bond dealer, bank, trust company, person, company or corporation selling, transferring or assigning a security or taking or making delivery of a security on behalf of any person, shall collect from such person,

SECTION 6.—(1) This subsection corresponds to subsection 6 of section 14 of *The Corporations Tax Act*.

(2) This subsection corresponds to subsection 8 of section 14 of *The Corporations Tax Act*.

(3) This subsection corresponds to subsection 7 of section 14 of *The Corporations Tax Act*.

SECTION 7. This section clarifies the interpretation of various transactions which are taxable.

SECTION 8. This section appoints brokers, bond dealers, banks, trust companies, etc., as agents of the Treasurer to collect the tax in various circumstances. This is to bring the Act into line with the practice of the Department.

the tax imposed by this Act and remit the amount thereof if paid in money, to the Treasurer in accordance with the regulations, and for such purpose the stock broker, bond dealer, bank, trust company, person, company or corporation shall be the agent of the Treasurer.

Penalty for failure to collect tax.

(2) Every stock broker, bond dealer, bank, trust company, person, company or corporation which fails to comply with the provisions of subsection 1 shall be liable, in addition to the payment of the tax collected or to be collected, to a penalty of \$500.

Annual return.

9.—(1) Every company or corporation, including every extra-provincial company or corporation which has a branch, or an agency, or an office of any kind in Ontario, shall on or before the last day of the month ending four months following the close of its fiscal year make an annual return to the Treasurer showing every sale, transfer or assignment of any registered security issued by such company or corporation made or carried into effect in Ontario, together with the amount of tax collected under this Act.

Verification of return.

(2) The return shall be verified by a certificate certifying that the statements in the return are in agreement with the books and records of the company or corporation, and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company or corporation, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require.

Record of stock exchange.

(3) In the case of a company or corporation, the shares, bonds, or debenture stock of which are sold and transferred upon an incorporated stock exchange, the Treasurer may accept a return from such exchange showing the total amount of such sales, transfers or assignments and the total amount of the tax collected under this Act.

Records of transfer agent.

(4) In the case of a company or corporation which has duly appointed a trust company as transfer agent for its shares, bonds or debenture stock, the Treasurer may accept, in lieu of the annual return of such company, a statement from the transfer agent to the effect that the tax on all transfers made during the preceding year has been accounted for in accordance with the provisions of this Act and the regulations.

Penalty for violation.

(5) If a company or corporation makes default in complying with the provisions of this section, the company or corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the company or corporation who wilfully authorizes or permits such default shall incur a like penalty.

SECTION 9. This section corresponds to section 15 of *The Corporations Tax Act*. A definite date is set for the filing of returns and this is the same date as the date upon which corporations are required to file returns under *The Corporations Tax Act, 1939*.

Penalty for
permitting
entry in
register.

10. Any company or corporation entering or permitting the entry in any book or register under its control of any sale, transfer, or assignment of any security issued by it, unless the tax has been paid when such entry is made, shall incur a penalty of not less than an amount equal to the amount of the tax due and a further amount of not less than \$20 and not more than \$50.

Obtaining
of informa-
tion.

11. For the purpose of obtaining any information which he may deem necessary for the purposes of this Act, the Treasurer may,—

(a) demand from any company or corporation or any officer or employee thereof, or any other person, such information as may be indicated in a letter delivered or sent by prepaid post to such company, corporation, officer, employee or other person and every such company, corporation, officer, employee or other person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or

(b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

Rev. Stat.,
c. 19.

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause

Liability
for tax.

12. Notwithstanding any prior assessment or if no assessment has been made the person liable thereto shall continue to be liable for any tax imposed by this Act, or by *The Corporations Tax Act* upon a change of ownership of a share, bond or other security, and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any person for tax and penalties.

Demand
for payment.

13. Where the Treasurer finds any tax to be owing by any person he may send a demand for the payment of such tax to such person by prepaid post and such person shall pay the amount of the tax to the Treasurer within thirty days of the sending of such demand and in default of payment of such amount, a penalty of five per centum of the amount of tax payable shall be added thereto and thereafter a further penalty of one per centum per month shall be added for each additional month or portion thereof during which the tax and penalty remain unpaid, and the penalties imposed by this subsection shall be recoverable in the same manner as taxes imposed by this Act.

SECTION 10. This section corresponds to section 16 of *The Corporations Tax Act*.

SECTION 11. This section corresponds to subsections 2 to 8 of section 13 of *The Corporations Tax Act* and gives authority to the Treasurer to make investigations in order to verify that the amount of the tax paid or payable is correct.

SECTION 12. This section corresponds to subsection 14 of section 13 of *The Corporations Tax Act*.

SECTION 13. This section provides for the demand for payment of a tax found to be due and the manner in which it shall be paid.

Tax payable
outside
Ontario.

14. When it is shown to the satisfaction of the Treasurer that any change of ownership consequent upon the sale, transfer or assignment of a security, or upon any other transaction mentioned in section 2, is subject to a tax outside of Ontario and is subject to a similar tax under the laws of Ontario, he may make an allowance from the tax payable in Ontario in respect of the tax so paid.

Penalty for
false state-
ment;

15. Every person who makes any return or furnishes any information to the Treasurer under this Act containing any false statement shall be liable to a penalty of not more than \$10,000.

Violations.

16. Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this Act, or who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable for every such violation to a penalty of not less than an amount equal to the amount of the tax due and not more than an amount equal to \$500 more than the amount of the tax due; provided that where no tax is due by such person the penalty shall be not less than \$50 and not more than \$500.

Recovery of
tax and
penalties.

17.—(1) The tax imposed by this Act and the penalties imposed by sections 8, 9, 10, 13, 15, and 16 may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury.

Penalties.

(2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer.

Rev. Stat.,
c. 136.

Dispute as
to liability
for tax.

18. If any doubt or dispute arises as to the liability of a person to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund it or any part thereof.

Regulations.

19. The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

SECTION 14. This section corresponds to subsection 1 of section 19 of *The Corporations Tax Act* and is self explanatory.

SECTION 15. This section corresponds to subsection 2 of section 11 of *The Corporations Tax Act*.

SECTION 16. This section provides a penalty for any violation of the provisions of the Act for which no other penalty is provided.

SECTION 17. This section corresponds to section 21 of *The Corporations Tax Act* and provides for the manner in which taxes and penalties imposed under this Act may be collected.

SECTION 18. This section corresponds to section 24 of *The Corporations Tax Act*.

SECTION 19. This section provides authority to the Lieutenant-Governor in Council to make regulations, the clauses herein corresponding respectively to the following clauses and subsections of *The Corporations Tax Act*: Clauses *f*, *c* of section 20; subsections 9, 4 of section 14; subsection 2 of section 19 and clause *g* of section 20.

- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) determining what constitutes a sale, transfer or assignment within the meaning of this Act;
- (d) prescribing in any case or class of cases the manner in which and the persons by whom the amount of any tax shall be computed and collected for and on behalf of His Majesty;
- (e) providing for the sale of stamps at a discount not exceeding three per centum to such persons and for such periods as he deems advisable; and
- (f) generally for the better carrying out of the provisions of this Act.

Affidavits
and declara-
tions.

20. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor.

Information
obtained
under Act, —

21.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

penalty for
disclosing.

(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200.

Rev. Stat.,
c. 29,
ss. 14-19,
repealed.

22. Sections 14, 15, 16, 17, 18 and 19 of *The Corporations Tax Act* are repealed.

Commence-
ment of Act.

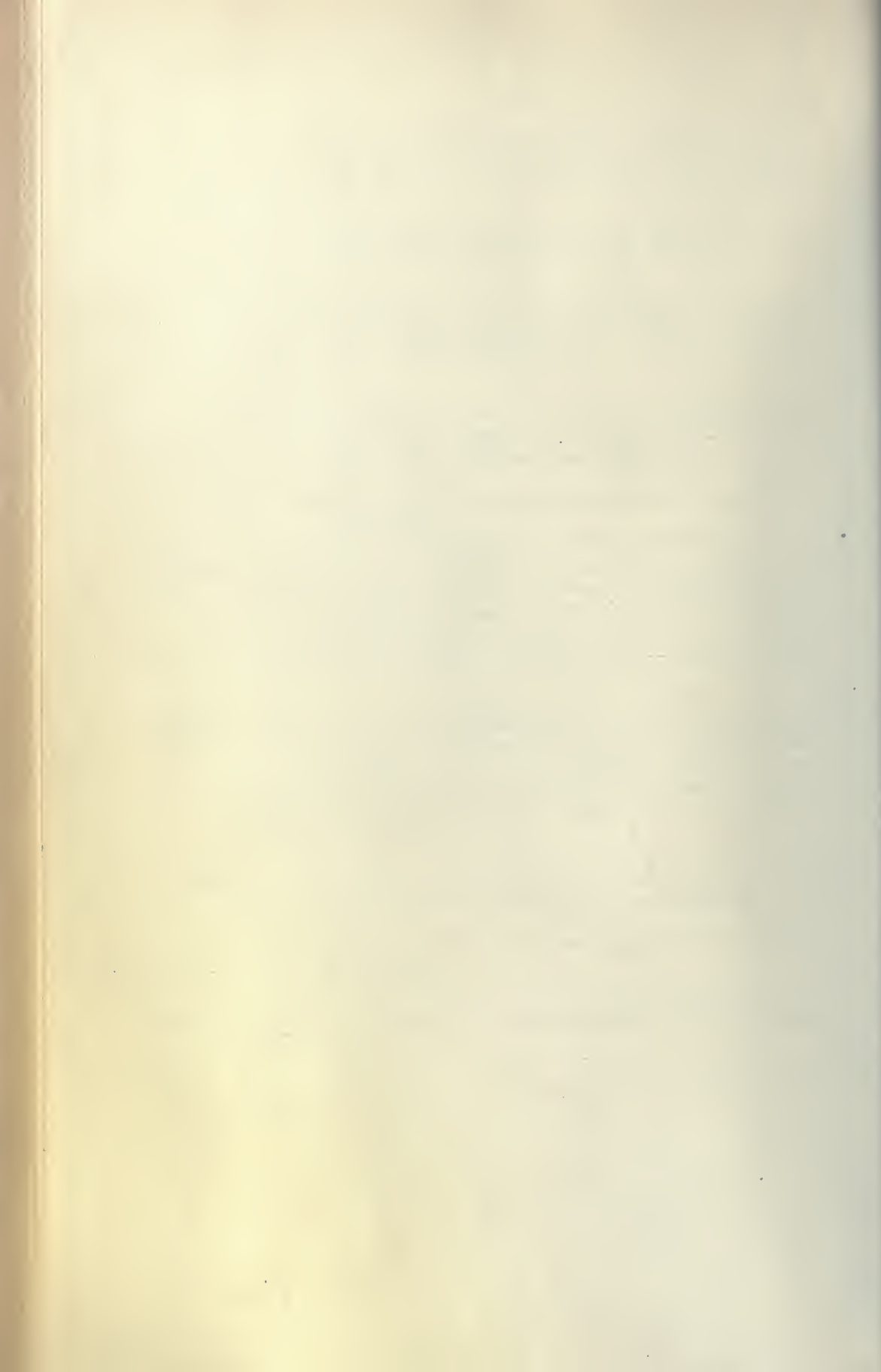
23. This Act shall come into force on the 1st day of May, 1939.

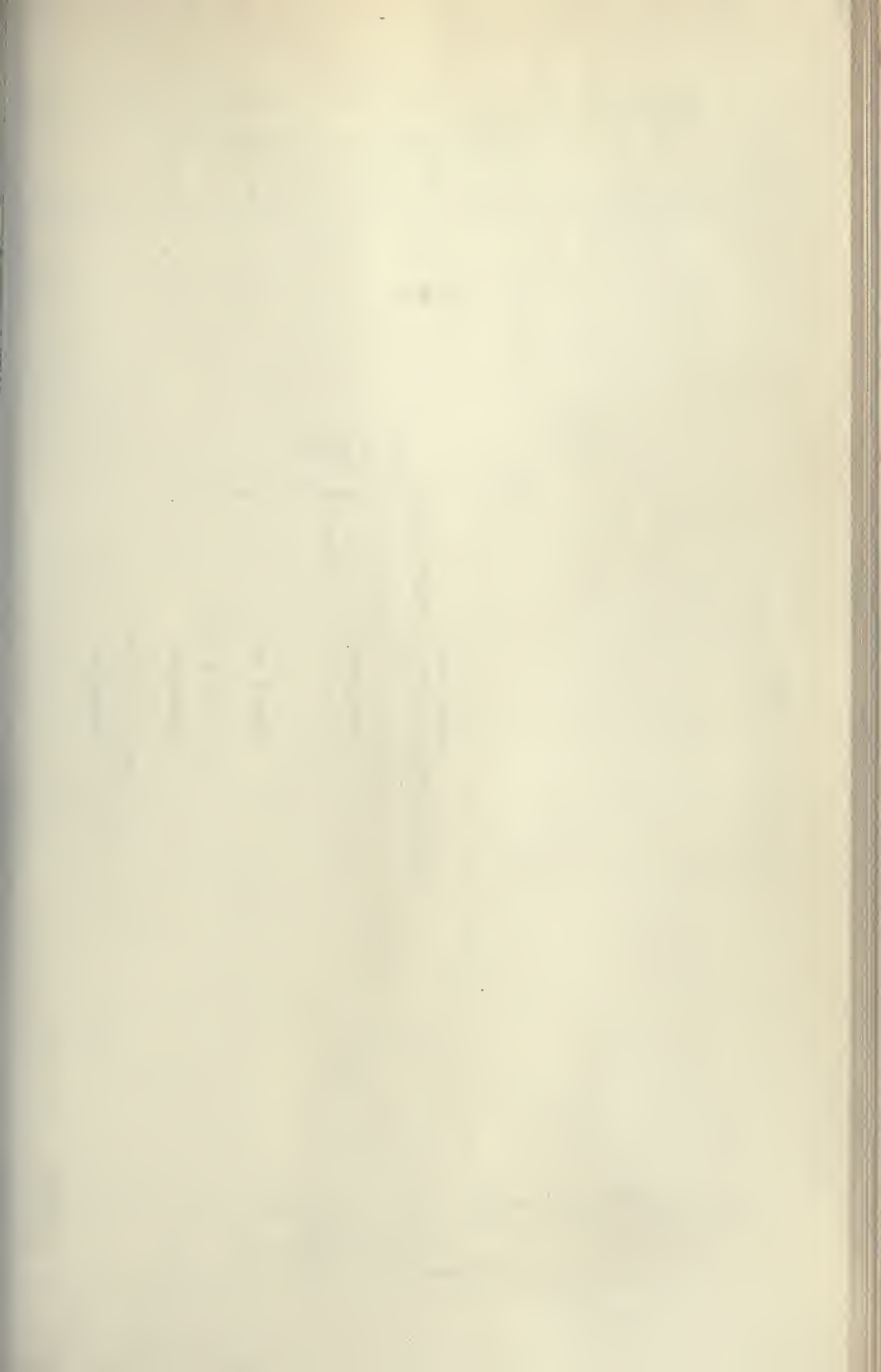
Short title.

24. This Act may be cited as *The Security Transfer Tax Act, 1939.*

SECTION 20. This is self explanatory.

SECTION 21. This is self explanatory.





The Security Transfer Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

March 29th, 1939

3rd Reading

MR. LEDUC

(*Reprinted as amended in Committee of the
Whole House.*)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Security Transfer Tax Act, 1939.

MR. LEDUC

BILL

The Security Transfer Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

“Regula-
tions.”

(a) “Regulations” shall mean regulations passed under the authority of this Act;

“Security.”

(b) “Security” shall include,—

(i) any share of capital stock or debenture stock and any bond or debenture issued by any association, company, corporation or government;

(ii) any participating interest in the operations or profits of any association, company or corporation represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, syndicate units and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities; and

(iii) guaranteed trust certificates and investment receipts;

“Treasurer.”

(c) “Treasurer” shall mean Treasurer of Ontario.

Tax
imposed.

2. There shall be imposed, levied, collected and paid to His Majesty for the uses of Ontario, a tax,—

(a) upon every change of ownership consequent upon the sale, transfer or assignment of a security made or carried into effect in Ontario;

- (b) upon every order given to any person, firm or corporation in Ontario for the sale, transfer or assignment of a security when such order is to be executed outside of Ontario;
- (c) upon every transfer or delivery of a security exchanged for another security in Ontario, provided that this clause shall not apply where a company through a reorganization of its capital structure calls in or redeems part or all of its issued securities and replaces them by other securities issued by such company to the same security holders; and
- (d) upon every delivery in Ontario of a security held in Ontario for the account of a non-resident of Canada consequent upon the sale, transfer or assignment executed within or without Ontario by or for such non-resident;

provided that only one of the clauses contained in this section shall apply to the same transaction.

3.—(1) The tax imposed by section 2 shall be as follows: ^{Amount of} _{tax.}

- (a) Three cents for every one hundred dollars or fraction thereof, of the par value of a bond, debenture or debenture stock;
- (b) For every share sold, transferred or assigned at a price or valuation of,—
 - (i) over one hundred and fifty dollars per share, four cents per share, plus one-tenth of one per centum of the price or value of the said share in excess of one hundred and fifty dollars,
 - (ii) over seventy-five dollars per share, but not more than one hundred and fifty dollars per share, four cents per share,
 - (iii) over fifty dollars per share, but not more than seventy-five dollars per share, three cents per share,
 - (iv) over twenty-five dollars per share, but not more than fifty dollars per share, two cents per share,
 - (v) over five dollars per share, but not more than twenty-five dollars per share, one cent per share,

(vi) one dollar per share, but not more than five dollars per share, one-quarter of one cent per share, and

(vii) less than one dollar per share, one-tenth of one per centum of the price or value; and

(c) Three cents for every one hundred dollars or fraction thereof of the price or value of each syndicate unit, mineral deed, oil royalty, guaranteed trust certificate or investment receipt.

Determina-
tion of value.

(2) Except as hereinafter provided, if a change of ownership otherwise than by sale at the current market price is effected, of any share of stock, such change of ownership shall be subject to the tax imposed by this Act, computed on the basis of the current market price of such share of stock.

Idem.

(3) In any case where a current market price has not been established by recent sales, or where it is difficult to ascertain the value of the shares of stock, the Treasurer may fix a price which shall be the price on which the tax shall be paid.

"Share of
stock,"
meaning of.

(4) In this section the terms "share" and "share of stock" shall include a share of any participating interest in the operations or profits of any association, company or corporation and to a guaranteed trust certificate and an investment receipt.

Manner of
payment.

4. The tax imposed by this Act shall be payable in security transfer tax stamps or cash by the vendor, transferor, assignor or, in the case of transfers and deliveries referred to in clauses *c* and *d* of section 2, by the person, company, corporation, bank or trust company making delivery.

Transactions
exempt.

5.—(1) The following transactions shall not be subject to the tax imposed by this Act,—

- (a) the sale, transfer or assignment of any bond, debenture or share of debenture stock of the Dominion of Canada or of any province of Canada;
- (b) the allotment by any association, company or corporation of its shares in order to effect an issue thereof, and the first issue of a bond, debenture, share of debenture stock or of any participating interest in the operations or profits of any association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities;

- (c) the first issue of a guaranteed trust certificate or investment receipt; and
- (d) the transfer or assignment of a security made by a borrower *bona fide* as collateral security for an advance or loan and the retransfer or reassignment of such security to the borrower, provided that upon the property in the security passing to the lender as a result of the failure of the borrower to satisfy such advance or loan a change of ownership shall be deemed to have occurred and shall be subject to the tax imposed by this Act.

(2) For the purposes of this section the underwriting of a bond, debenture or debenture stock, or the first transaction whereby ownership or control is established, shall be deemed to be a first issue thereof. Underwriting of bond, etc., to be deemed first issue.

6.—(1) Every person liable under this Act or the regulations to collect and pay the tax imposed by this Act shall keep such books and records at his place of business in Ontario as the Treasurer may require, and such books and records shall be open at all reasonable times to the inspection of the officers of the Treasury Department or such other persons as may be authorized by the Treasurer to inspect them. Books and records.

(2) If any person liable to maintain books and records for the purposes of this Act has, in the opinion of the Treasurer, failed to maintain adequate books and records, the Treasurer may assess the tax payable by such person and the tax so assessed shall be deemed to be due and payable forthwith. Failure to keep books.

(3) Any person who in any way prevents or attempts to prevent any such officer or other person from having access to or inspecting any such books and records, and any person who being liable to keep such books and records refuses to produce them for inspection as required by subsection 1, shall be liable to a penalty of not less than \$500 and not more than \$5,000. Preventing inspections.

7. Every transfer, sale or assignment, ordered, made or carried into effect through a person engaged in the business of a broker within the meaning of *The Securities Act* in Ontario either for himself or on behalf of another person, shall be deemed to be ordered, made or carried into effect in Ontario unless the Treasurer certifies that the contrary has been established to his satisfaction. Transaction by Ontario broker.

8.—(1) Every stock broker, bond dealer, bank, trust company, person, company or corporation selling, transferring or assigning a security or taking or making delivery of a security on behalf of any person, shall collect from such person, Collection of tax.

the tax imposed by this Act and remit the amount thereof if paid in money, to the Treasurer in accordance with the regulations, and for such purpose the stock broker, bond dealer, bank, trust company, person, company or corporation shall be the agent of the Treasurer.

Penalty for failure to collect tax.

(2) Every stock broker, bond dealer, bank, trust company, person, company or corporation which fails to comply with the provisions of subsection 1 shall be liable, in addition to the payment of the tax collected or to be collected, to a penalty of \$500.

Annual return.

9.—(1) Every company or corporation, including every extra-provincial company or corporation which has a branch, or an agency, or an office of any kind in Ontario, shall on or before the last day of the month ending four months following the close of its fiscal year make an annual return to the Treasurer showing every sale, transfer or assignment of any registered security issued by such company or corporation made or carried into effect in Ontario, together with the amount of tax collected under this Act.

Verification of return.

(2) The return shall be verified by a certificate certifying that the statements in the return are in agreement with the books and records of the company or corporation, and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company or corporation, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require.

Record of stock exchange.

(3) In the case of a company or corporation, the shares, bonds, or debenture stock of which are sold and transferred upon an incorporated stock exchange, the Treasurer may accept a return from such exchange showing the total amount of such sales, transfers or assignments and the total amount of the tax collected under this Act.

Records of transfer agent.

(4) In the case of a company or corporation which has duly appointed a trust company as transfer agent for its shares, bonds or debenture stock, the Treasurer may accept, in lieu of the annual return of such company, a statement from the transfer agent to the effect that the tax on all transfers made during the preceding year has been accounted for in accordance with the provisions of this Act and the regulations.

Penalty for violation.

(5) If a company or corporation makes default in complying with the provisions of this section, the company or corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the company or corporation who wilfully authorizes or permits such default shall incur a like penalty.

10. Any company or corporation entering or permitting the entry in any book or register under its control of any sale, transfer, or assignment of any security issued by it, unless the tax has been paid when such entry is made, shall incur a penalty of not less than an amount equal to the amount of the tax due and a further amount of not less than \$20 and not more than \$50. Penalty for permitting entry in register.

11. For the purpose of obtaining any information which he may deem necessary for the purposes of this Act, the Treasurer may,— Obtaining of information.

(a) demand from any company or corporation or any officer or employee thereof, or any other person, such information as may be indicated in a letter delivered or sent by prepaid post to such company, corporation, officer, employee or other person and every such company, corporation, officer, employee or other person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or

(b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

Rev. Stat.,
c. 19.

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause

12. Notwithstanding any prior assessment or if no assessment has been made the person liable thereto shall continue to be liable for any tax imposed by this Act, or by *The Corporations Tax Act* upon a change of ownership of a share, bond or other security, and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any person for tax and penalties. Liability for tax.

13. Where the Treasurer finds any tax to be owing by any person he may send a demand for the payment of such tax to such person by prepaid post and such person shall pay the amount of the tax to the Treasurer within thirty days of the sending of such demand and in default of payment of such amount, a penalty of five per centum of the amount of tax payable shall be added thereto and thereafter a further penalty of one per centum per month shall be added for each additional month or portion thereof during which the tax and penalty remain unpaid, and the penalties imposed by this subsection shall be recoverable in the same manner as taxes imposed by this Act. Demand for payment.

Tax payable
outside
Ontario.

14. When it is shown to the satisfaction of the Treasurer that any change of ownership consequent upon the sale, transfer or assignment of a security, or upon any other transaction mentioned in section 2, is subject to a tax outside of Ontario and is subject to a similar tax under the laws of Ontario, he may make an allowance from the tax payable in Ontario in respect of the tax so paid.

Penalty for
false state-
ment;

15. Every person who makes any return or furnishes any information to the Treasurer under this Act containing any false statement shall be liable to a penalty of not more than \$10,000.

Violations.

16. Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this Act, or who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable for every such violation to a penalty of not less than an amount equal to the amount of the tax due and not more than an amount equal to \$500 more than the amount of the tax due; provided that where no tax is due by such person the penalty shall be not less than \$50 and not more than \$500.

Recovery of
tax and
penalties.

17.—(1) The tax imposed by this Act and the penalties imposed by sections 8, 9, 10, 13, 15, and 16 may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury.

Penalties.

(2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer.

Rev. Stat.,
c. 136.

Dispute as
to liability
for tax.

18. If any doubt or dispute arises as to the liability of a person to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances, it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund it or any part thereof.

Regulations.

19. The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) determining what constitutes a sale, transfer or assignment within the meaning of this Act;
- (d) prescribing in any case or class of cases the manner in which and the persons by whom the amount of any tax shall be computed and collected for and on behalf of His Majesty;
- (e) providing for the sale of stamps at a discount not exceeding three per centum to such persons and for such periods as he deems advisable; and
- (f) generally for the better carrying out of the provisions of this Act.

20. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor. Affidavits and declarations.

21.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act. Information obtained under Act, —

(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200. penalty for disclosing.

22. Sections 14, 15, 16, 17, 18 and 19 of *The Corporations Tax Act* are repealed. Rev. Stat., c. 29, ss. 14-19, repealed.

23. This Act shall come into force on the 1st day of May, 1939. Commencement of Act.

24. This Act may be cited as *The Security Transfer Tax Act, 1939*. Short title.



BILL

The Security Transfer Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

March 29th, 1939

3rd Reading

April 14th, 1939

MR. LEDUC

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Race Tracks Tax Act, 1939.

MR. LEDUC

BILL

The Race Tracks Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

"Person."

(a) "Person" shall include incorporated company, association and club;

"Race
meeting."

(b) "Race meeting" shall mean a series of races for horses;

"Regula-
tions."

(c) "Regulations" shall mean regulations made under the authority of this Act;

"Treasurer."

(d) "Treasurer" shall mean Treasurer of Ontario.

Tax on race
tracks and
race
meetings.

2.—(1) Every person owning or operating or using a race track and holding a race meeting consisting of a series of running or mixed trotting, pacing and running races, shall pay in advance before such race meeting for each day of such meeting, a tax of \$5,000, but the Lieutenant-Governor in Council may at any time,—

(a) reduce such tax to a sum not less than \$1 per day; or

(b) increase such tax to a sum not exceeding \$10,000 per day;

provided that the Treasurer may rebate the tax to any person by an amount equal to two per centum of the sum or sums given yearly by such person in purses or stakes to the owners of horses bred in Canada and to horse owners resident in Canada.

Trotting
tracks.

(2) Every person owning, operating or using a track for trotting purposes only and holding a race meeting consisting

EXPLANATORY NOTES

This Bill contains the provisions imposing a tax on persons conducting race meetings and on the holders of winning tickets, issued under the pari-mutuel system, at a race meeting. The provisions are similar to corresponding provisions now contained in *The Corporations Tax Act*.

1. Various expressions used in the Act are defined.

2.—(1) A tax is imposed in respect of a race meeting which consists of a series of running or mixed trotting, pacing and running races.

(2) A tax is imposed in respect of a race meeting which consists of a series of trotting races.

of a series of trotting races, shall pay in advance before such meeting for each day of the meeting a tax of \$10.

Tax on bets
and stakes
on racing.

3. Every holder of a winning ticket issued under the pari-mutuel system upon a race run at any race meeting shall pay a tax of five per centum upon the amount which would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race, and the said tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race, a sum equal to five per centum of the amount so bet or wagered, and such sum shall be paid over to the Treasurer at the close of each day's racing.

Returns at
close of
meeting.

4.—(1) Every person owning, operating or using a race track and holding a race meeting shall, within two weeks after the close of each such race meeting, furnish to the Treasurer a detailed statement, verified by the affidavit of such person or of some other person satisfactory to the Treasurer,—

(a) of the moneys received and of the moneys paid out at or in connection with such race meeting;

(b) of the total amount wagered on the track or tracks at such race meeting in respect of which such person derived any benefit; and

(c) of the percentage or other portion thereof taken by such person.

Office.

(2) Every person owning, operating or using a race track and holding a race meeting shall maintain an office at or near his race track and within Ontario at which at all times shall be kept the books of account and vouchers relating to the race track and any race meetings held by him, and, in the case of a company, association or club, the minute book shall also be kept at such office and such books of account, vouchers and minute book shall at all times be open to the inspection of the Treasurer or his duly accredited representative.

Access to
race course.

(3) Such officers or clerks of the Treasury Department as may be appointed by the Treasurer for the purpose of ascertaining the amount wagered in connection with the tax imposed by section 3 shall have access free of all charge at all times to all parts of any race course including the pari-mutuel plant connected therewith during the progress of a race meeting.

Penalties.

(4) Every person opening or continuing a race meeting on any day in respect of which the tax hereby imposed has not been paid or neglecting or refusing to deduct and pay over the

3. A tax is imposed on the holder of a winning ticket, issued under the pari-mutuel system, at a race meeting.

4.—(1) Financial returns in respect of such meetings are required to be made.

(2) Persons conducting race meetings are required to maintain offices at or near the race track, at which the books of account and vouchers relating to the race track shall be kept.

(3) Officials of the Treasury Department, appointed for the purpose of this Act, shall have access to all parts of a race track.

(4) Penalties are provided for failure to comply with the provisions of this section.

tax mentioned in section 3, or neglecting to furnish the statement required by subsection 1, or to comply with the requirements of subsection 2, shall incur a penalty of \$1,000 for every day during which the default continues and where such person is a company, association or club, every director, manager or secretary thereof who wilfully authorizes or permits such default shall incur a like penalty.

Default.

(5) Where default has been made by such person in the payment of the tax imposed by section 2, or in deducting and paying over the tax mentioned in section 3, or in making any return required by this section or under any other provision of this Act, or in complying with the provisions of subsection 2, or such person is violating any statute of Canada or of Ontario, the Provincial Police, acting under the instructions of the Treasurer, may stop all racing upon the track of such person, or the holding of any further race meeting by such person.

Payment
of tax.

5. Where under any agreement or arrangement heretofore or hereafter entered into, a person conducting a race meeting upon a race course has leased, assigned or otherwise disposed of, or suffers or permits the enjoyment of the betting privileges, or the operation of pari-mutuel machines upon or in connection with such race course to or by any other person, such other person shall deduct and pay over to the Treasurer the tax imposed by this Act and all the provisions of this Act shall apply to such other person as well as to the person conducting such race meeting, and in the event of the neglect, refusal or failure of such other person to deduct and pay over the said tax and to comply with the provisions of this Act the person conducting the race meeting in respect of which such default occurs as well as such other person shall incur the penalties provided by this Act, and the Provincial Police acting under the instructions of the Treasurer, may stop all racing upon the track upon which the race meeting is conducted or the holding of any further race meeting by such person.

Obtaining
of informa-
tion.

6. For the purpose of obtaining any information which he may deem necessary for the purposes of this Act, the Treasurer may,—

- (a) demand from any person such information as may be indicated in a letter delivered or sent by prepaid post to such person and every such person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or
- (b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain

(5) Failure to comply with the requirements of the Act, by a person holding a race meeting, permits the Treasurer to stop all racing at the track.

5. This section provides for the collection of the tax where the person conducting a race meeting has leased, assigned or otherwise disposed of betting privileges or the operating of pari-mutuel machines.

6. Provision is made for the obtaining of information for the purposes of this Act by the Treasurer. He may make a demand upon any person to furnish information, or may appoint an officer of his department to conduct an inquiry.

Rev. Stat.,
c. 19.

such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause.

Recovery of
tax and
penalties.

7.—(1) The taxes and penalties imposed by this Act may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury.

Penalties.

Rev. Stat.,
c. 136.

(2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer.

Compromis-
ing disputes
as to liabil-
ity for taxes.

8. If any doubt or dispute arises as to the liability of a person to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund it or any part thereof.

Regulations.

9. The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or impose any duty conferred or imposed upon the Treasurer by this Act;
- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) providing for the manner of collecting the tax imposed by this Act; and
- (d) generally for the better carrying out of the provisions of this Act.

Affidavits
and declara-
tions.

10. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that

7. This section provides the manner in which the taxes and penalties imposed by the Act may be recovered.

8. The Treasurer is authorized to accept such amount of tax as he may deem proper, where special circumstances so warrant.

9. The Lieutenant-Governor in Council is authorized to make regulations for purposes of the Act.

10. For the purpose of the Act declarations and affidavits may be taken by persons specifically authorized by the Lieutenant-Governor in Council.

purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor.

Information
obtained
under Act.

11.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty for
disclosing.

(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200.

Rev. Stat.,
c. 29, s. 2,
subss. 13-18,
repealed.

12. Subsections 13 to 18 of section 3 of *The Corporations Tax Act* are repealed.

Commence-
ment of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

14. This Act may be cited as *The Race Tracks Tax Act, 1939*.

11. The section prohibits the improper communication of information obtained under this Act.

12. The corresponding provisions of the present *Corporations Tax Act* are repealed.

The Race Tracks Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

3rd Reading

MR. LEDUC

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Race Tracks Tax Act, 1939.

MR. LEDUC

BILL

The Race Tracks Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

"Person."

(a) "Person" shall include incorporated company, association and club;

"Race
meeting."

(b) "Race meeting" shall mean a series of races for horses;

"Regula-
tions."

(c) "Regulations" shall mean regulations made under the authority of this Act;

"Treasurer."

(d) "Treasurer" shall mean Treasurer of Ontario.

Tax on race
tracks and
race
meetings.

2. Every person owning or operating or using a race track and holding a race meeting shall pay in advance before such race meeting for each day of such meeting a tax of \$1.

Tax on bets
and stakes
on racing.

3. Every holder of a winning ticket issued under the pari-mutuel system upon a race run at any race meeting shall pay a tax at the rate of five per centum or such other rate as the Lieutenant-Governor in Council may prescribe upon the amount which would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race, and the said tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race, a sum equal to five per centum or such other rate as may be prescribed of the amount so bet or wagered, and such sum shall be paid over to the Treasurer at the close of each day's racing; provided that the rate of the tax shall not be changed in any calendar year after the commencement of the first race meeting in such year at which a pari-mutuel system is operated.

EXPLANATORY NOTES

This Bill contains the provisions imposing a tax on persons conducting race meetings and on the holders of winning tickets, issued under the pari-mutuel system, at a race meeting. The provisions are similar to corresponding provisions now contained in *The Corporations Tax Act*.

1. Various expressions used in the Act are defined.
2. A *per diem* tax of \$1 is imposed in respect of race meetings.
3. A tax is imposed on the holder of a winning ticket, issued under the pari-mutuel system, at a race meeting.

Returns at
close of
meeting.

4.—(1) Every person owning, operating or using a race track and holding a race meeting shall, within two weeks after the close of each such race meeting, furnish to the Treasurer a detailed statement, verified by the affidavit of such person or of some other person satisfactory to the Treasurer,—

- (a) of the moneys received and of the moneys paid out at or in connection with such race meeting;
- (b) of the total amount wagered on the track or tracks at such race meeting in respect of which such person derived any benefit; and
- (c) of the percentage or other portion thereof taken by such person.

Office.

(2) Every person owning, operating or using a race track and holding a race meeting shall maintain an office at or near his race track and within Ontario at which at all times shall be kept the books of account and vouchers relating to the race track and any race meetings held by him, and, in the case of a company, association or club, the minute book shall also be kept at such office and such books of account, vouchers and minute book shall at all times be open to the inspection of the Treasurer or his duly accredited representative.

Access to
race course.

(3) Such officers or clerks of the Treasury Department as may be appointed by the Treasurer for the purpose of ascertaining the amount wagered in connection with the tax imposed by section 3 shall have access free of all charge at all times to all parts of any race course including the pari-mutuel plant connected therewith during the progress of a race meeting.

Penalties.

(4) Every person opening or continuing a race meeting on any day in respect of which the tax hereby imposed has not been paid or neglecting or refusing to deduct and pay over the tax mentioned in section 3, or neglecting to furnish the statement required by subsection 1, or to comply with the requirements of subsection 2, shall incur a penalty of \$1,000 for every day during which the default continues and where such person is a company, association or club, every director, manager or secretary thereof who wilfully authorizes or permits such default shall incur a like penalty.

Default.

(5) Where default has been made by such person in the payment of the tax imposed by section 2, or in deducting and paying over the tax mentioned in section 3, or in making any return required by this section or under any other provision of this Act, or in complying with the provisions of subsection 2, or such person is violating any statute of Canada or of Ontario,

4.—(1) Financial returns in respect of such meetings are required to be made.

(2) Persons conducting race meetings are required to maintain offices at or near the race track, at which the books of account and vouchers relating to the race track shall be kept.

(3) Officials of the Treasury Department, appointed for the purpose of this Act, shall have access to all parts of a race track.

(4) Penalties are provided for failure to comply with the provisions of this section.

(5) Failure to comply with the requirements of the Act, by a person holding a race meeting, permits the Treasurer to stop all racing at the track.

the Provincial Police, acting under the instructions of the Treasurer, may stop all racing upon the track of such person, or the holding of any further race meeting by such person.

Payment
of tax.

5. Where under any agreement or arrangement heretofore or hereafter entered into, a person conducting a race meeting upon a race course has leased, assigned or otherwise disposed of, or suffers or permits the enjoyment of the betting privileges, or the operation of pari-mutuel machines upon or in connection with such race course to or by any other person, such other person shall deduct and pay over to the Treasurer the tax imposed by this Act and all the provisions of this Act shall apply to such other person as well as to the person conducting such race meeting, and in the event of the neglect, refusal or failure of such other person to deduct and pay over the said tax and to comply with the provisions of this Act the person conducting the race meeting in respect of which such default occurs as well as such other person shall incur the penalties provided by this Act, and the Provincial Police acting under the instructions of the Treasurer, may stop all racing upon the track upon which the race meeting is conducted or the holding of any further race meeting by such person.

Obtaining
of informa-
tion.

6. For the purpose of obtaining any information which he may deem necessary for the purposes of this Act, the Treasurer may,—

(a) demand from any person such information as may be indicated in a letter delivered or sent by prepaid post to such person and every such person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or

(b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

Rev. Stat.,
c. 19.

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause.

Recovery of
tax and
penalties.

7.—(1) The taxes and penalties imposed by this Act may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the

5. This section provides for the collection of the tax where the person conducting a race meeting has leased, assigned or otherwise disposed of betting privileges or the operating of pari-mutuel machines.

6. Provision is made for the obtaining of information for the purposes of this Act by the Treasurer. He may make a demand upon any person to furnish information, or may appoint an officer of his department to conduct an inquiry.

7. This section provides the manner in which the taxes and penalties imposed by the Act may be recovered.

Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury.

Penalties. (2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer.

Regulations. **8.** The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or impose any duty conferred or imposed upon the Treasurer by this Act;
- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) providing for the manner of collecting the tax imposed by this Act; and
- (d) generally for the better carrying out of the provisions of this Act.

Affidavits and declarations.

9. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor.

Information obtained under Act.

10.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty for disclosing.

(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200.

Rev. Stat., c. 29, s. 3, subss. 13-18, repealed.

11. Subsections 13 to 18 of section 3 of *The Corporations Tax Act* are repealed.

Commencement of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

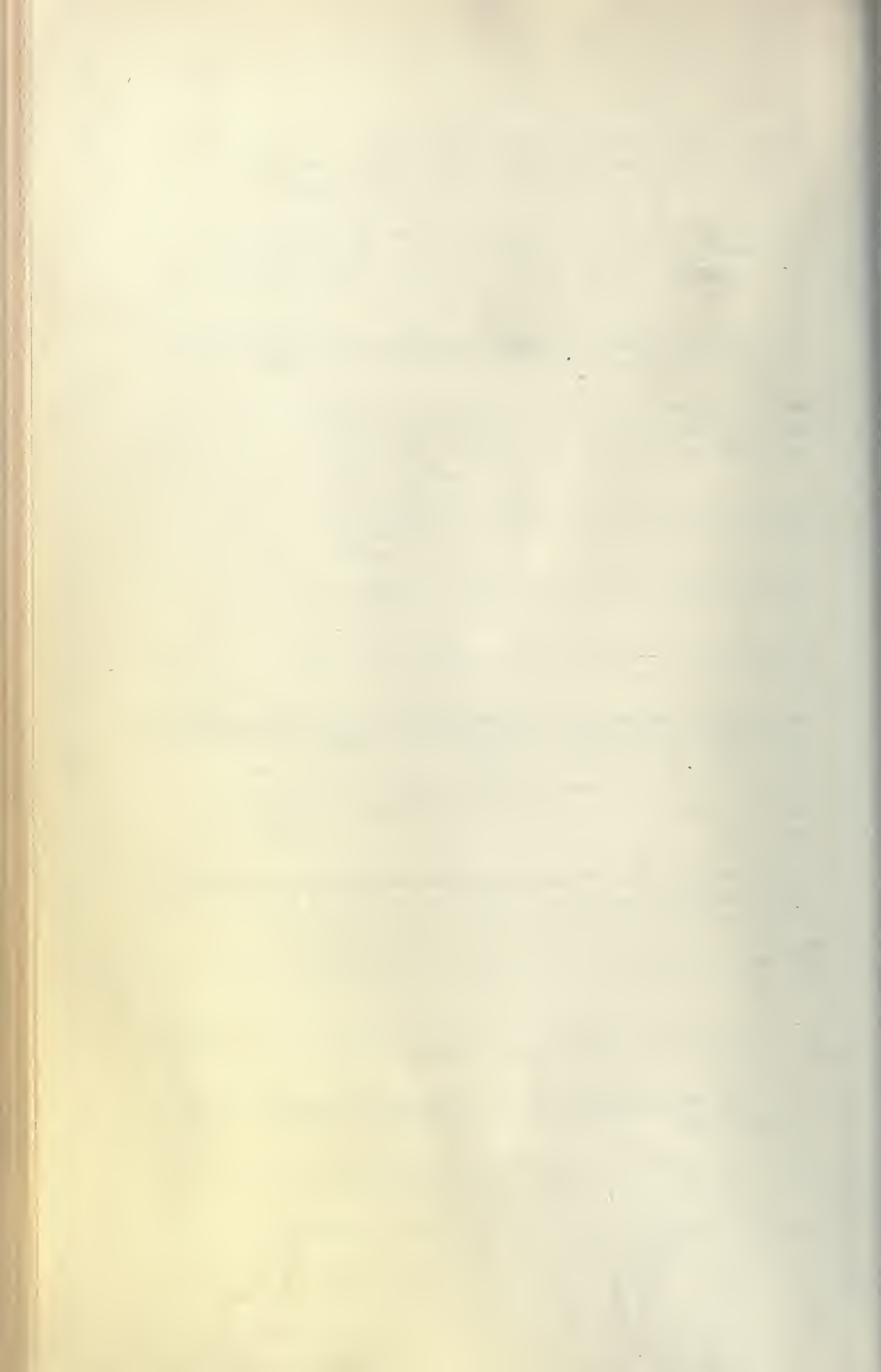
13. This Act may be cited as *The Race Tracks Tax Act, 1939*.

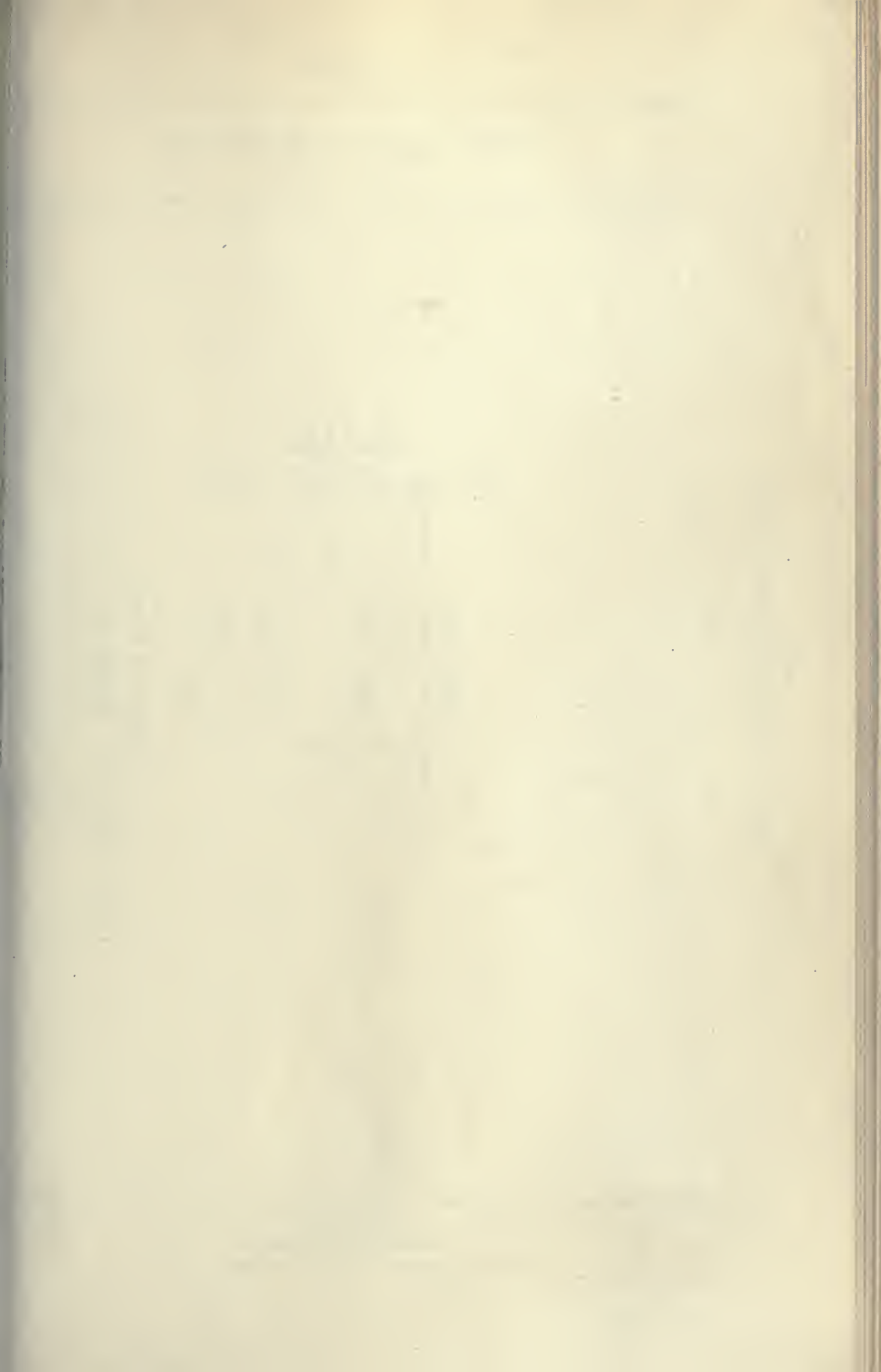
8. The Lieutenant-Governor in Council is authorized to make regulations for purposes of the Act.

9. For the purpose of the Act declarations and affidavits may be taken by persons specifically authorized by the Lieutenant-Governor in Council.

10. The section prohibits the improper communication of information obtained under this Act.

11. The corresponding provisions of the present *Corporations Tax Act* are repealed.





The Race Tracks Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

MR. LEDUC

(Reprinted as amended in Committee of the
Whole House.)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Race Tracks Tax Act, 1939.

MR. LEDUC

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Tax on race
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Tax on bets
and stakes
on racing.

3. Every holder of a winning ticket issued under the pari-mutuel system upon a race run at any race meeting shall pay a tax at the rate of five per centum or such other rate as the Lieutenant-Governor in Council may prescribe upon the amount which would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race, and the said tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race, a sum equal to five per centum or such other rate as may be prescribed of the amount so bet or wagered, and such sum shall be paid over to the Treasurer at the close of each day's racing; provided that the rate of the tax shall not be changed in any calendar year after the commencement of the first race meeting in such year at which a pari-mutuel system is operated.

4.—(1) Every person owning, operating or using a race track and holding a race meeting shall, within two weeks after the close of each such race meeting, furnish to the Treasurer a detailed statement, verified by the affidavit of such person or of some other person satisfactory to the Treasurer,—

Returns at
close of
meeting.

- (a) of the moneys received and of the moneys paid out at or in connection with such race meeting;
- (b) of the total amount wagered on the track or tracks at such race meeting in respect of which such person derived any benefit; and
- (c) of the percentage or other portion thereof taken by such person.

(2) Every person owning, operating or using a race track and holding a race meeting shall maintain an office at or near his race track and within Ontario at which at all times shall be kept the books of account and vouchers relating to the race track and any race meetings held by him, and, in the case of a company, association or club, the minute book shall also be kept at such office and such books of account, vouchers and minute book shall at all times be open to the inspection of the Treasurer or his duly accredited representative.

Office.

(3) Such officers or clerks of the Treasury Department as may be appointed by the Treasurer for the purpose of ascertaining the amount wagered in connection with the tax imposed by section 3 shall have access free of all charge at all times to all parts of any race course including the pari-mutuel plant connected therewith during the progress of a race meeting.

Access to
race course.

(4) Every person opening or continuing a race meeting on any day in respect of which the tax hereby imposed has not been paid or neglecting or refusing to deduct and pay over the tax mentioned in section 3, or neglecting to furnish the statement required by subsection 1, or to comply with the requirements of subsection 2, shall incur a penalty of \$1,000 for every day during which the default continues and where such person is a company, association or club, every director, manager or secretary thereof who wilfully authorizes or permits such default shall incur a like penalty.

Penalties.

(5) Where default has been made by such person in the payment of the tax imposed by section 2, or in deducting and paying over the tax mentioned in section 3, or in making any return required by this section or under any other provision of this Act, or in complying with the provisions of subsection 2, or such person is violating any statute of Canada or of Ontario,

Default.

the Provincial Police, acting under the instructions of the Treasurer, may stop all racing upon the track of such person, or the holding of any further race meeting by such person.

Payment
of tax.

5. Where under any agreement or arrangement heretofore or hereafter entered into, a person conducting a race meeting upon a race course has leased, assigned or otherwise disposed of, or suffers or permits the enjoyment of the betting privileges, or the operation of pari-mutuel machines upon or in connection with such race course to or by any other person, such other person shall deduct and pay over to the Treasurer the tax imposed by this Act and all the provisions of this Act shall apply to such other person as well as to the person conducting such race meeting, and in the event of the neglect, refusal or failure of such other person to deduct and pay over the said tax and to comply with the provisions of this Act the person conducting the race meeting in respect of which such default occurs as well as such other person shall incur the penalties provided by this Act, and the Provincial Police acting under the instructions of the Treasurer, may stop all racing upon the track upon which the race meeting is conducted or the holding of any further race meeting by such person.

Obtaining
of informa-
tion.

6. For the purpose of obtaining any information which he may deem necessary for the purposes of this Act, the Treasurer may,—

(a) demand from any person such information as may be indicated in a letter delivered or sent by prepaid post to such person and every such person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or

(b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

Rev. Stat.,
c. 19.

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause.

Recovery of
tax and
penalties.

7.—(1) The taxes and penalties imposed by this Act may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the

Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury.

(2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer. Penalties.
Rev. Stat.,
c. 136.

8. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or impose any duty conferred or imposed upon the Treasurer by this Act;
- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) providing for the manner of collecting the tax imposed by this Act; and
- (d) generally for the better carrying out of the provisions of this Act.

9. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor. Affidavits
and declara-
tions.

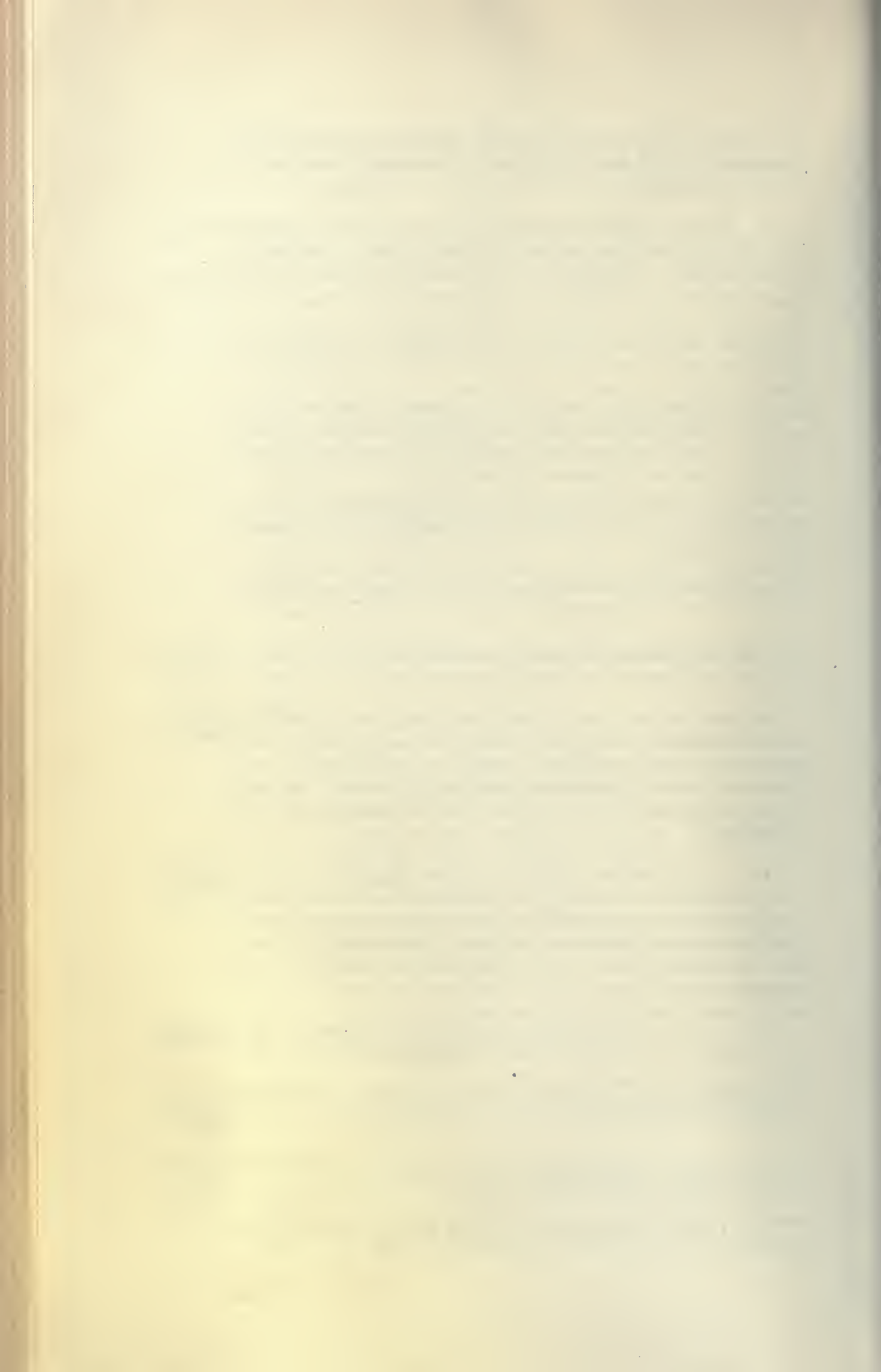
10.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act. Information
obtained
under Act.

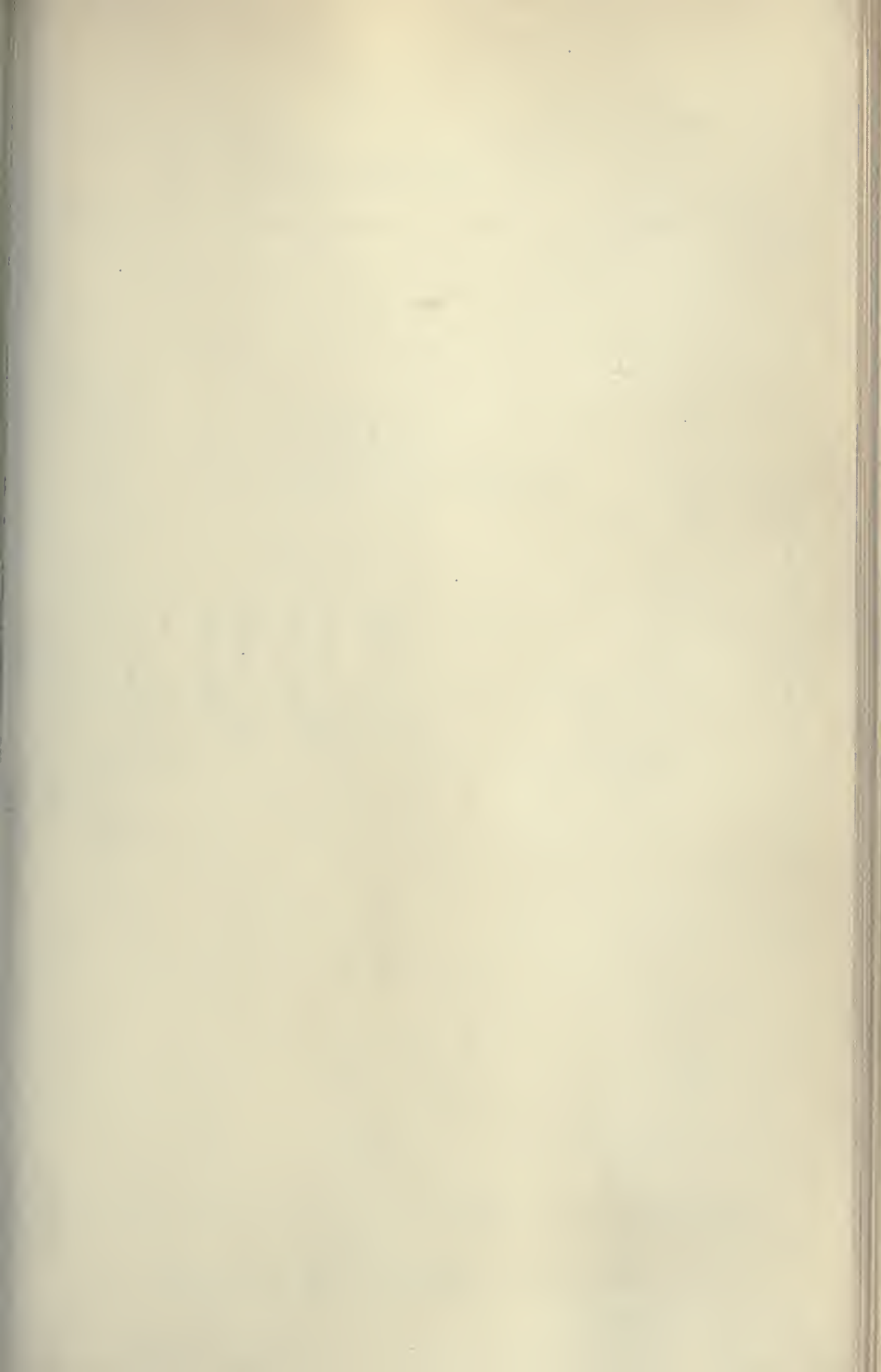
(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200. Penalty for
disclosing.

11. Subsections 13 to 18 of section 3 of *The Corporations Tax Act* are repealed. Rev. Stat.,
c. 29, s. 3,
subss. 13-18,
repealed.

12. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

13. This Act may be cited as *The Race Tracks Tax Act*, 1939. Short title.





BILL

The Race Tracks Tax Act, 1939.

1st Reading

March 27th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 14th, 1939

MR. LEDUC

No. 57

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Assessment Act.

MR. LAMPORT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 23,
subs. 1,
cl. *e*,
amended.

1. Clause *e* of subsection 1 of section 23 of *The Assessment Act* is amended by adding at the end thereof the following words "provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals" so that the said clause shall now read as follows:

Each lot
to be
assessed.

(*e*) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole or a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals.

Proviso.

Rev. Stat.,
c. 272, s. 60,
subs. 3,
amended.

2. Subsection 3 of section 60 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the eighth and tenth lines respectively and inserting in lieu thereof the word "ten," so that the said subsection shall now read as follows:

Appeals
to county
judge.

(3) The county judge may sit from time to time throughout the year for the purpose of hearing appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, and the time for appeal to the court of revision shall be within ten days after the last day fixed for the return of the roll for each ward or subdivision of a ward, and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision where it is

EXPLANATORY NOTES

SECTION 1. It is considered that a portion of a building used as a residence for the purpose of a separate assessment should be more particularly defined in the case of cities.

SECTION 2. It is considered that the present time of five days within which an appeal from the court of revision to the county judge may be taken is too short. The amendment provides for ten days, which is considered ample and is similar to the time allowed for appeals to the court of revision.

given at the hearing of the appeal, and where it is reserved within ten days after written notice of such decision has been delivered to the appellant or sent to him by registered letter post by the clerk of the court.

Rev. Stat.,
s. 272, c. 104,
amended.

3. Section 104 of *The Assessment Act* is amended by adding thereto the following subsection:

Certain
names to
be omitted
from
collector's
roll.

- (6) Notwithstanding anything contained in this or any other Act, the council of any city having a population of more than 50,000 may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes.

Rev. Stat.,
c. 272, s. 123,
subs. 8,
amended.

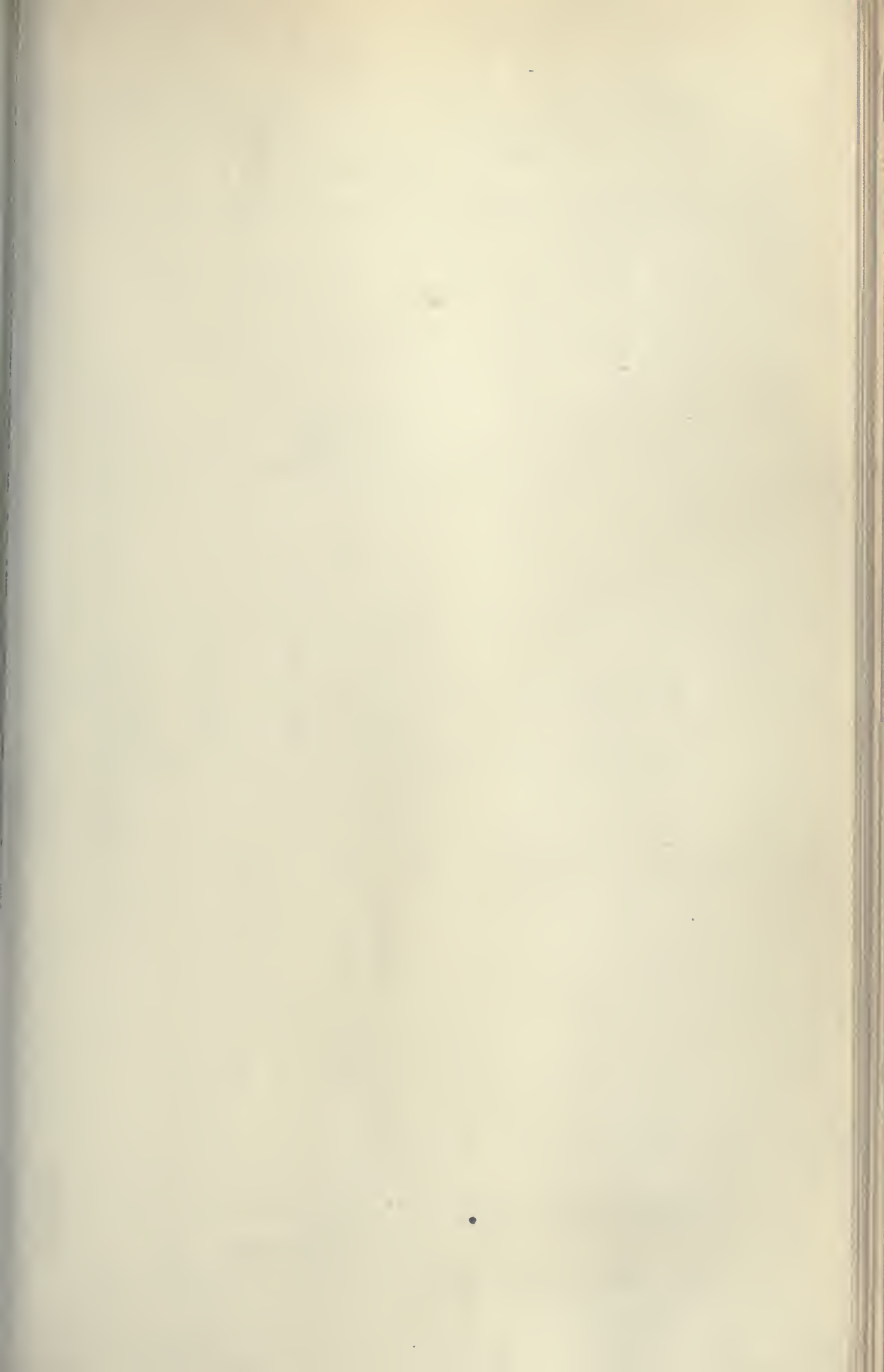
4. Subsection 8 of section 123 of *The Assessment Act* is amended by striking out the words "and no appeal shall lie from the decision of the county court judge on any such appeal" at the end thereof, so that the said subsection shall now read as follows:

Appeal
against
income
taxation.

- (8) A person whose name is entered in the special roll of taxable income shall not be entitled to notice of such entry, but, upon receipt from the collector of demand for payment of the said rate upon the amount for which he is taxable according to said roll, shall have in respect thereto the right of appeal provided in this Act in the case of assessments, but no such appeal shall relieve him from payment of any additional charge imposed for non-payment upon the date or dates fixed by the by-law of the said rate upon his taxable income as it may be fixed after such appeal.

SECTION 3. This amendment will effect a substantial financial saving to city municipalities and avoid the present confusion which results from delivering separate tax bills to all tenants of large office buildings, etc.

SECTION 4. This amendment will allow appeals in respect to income to the same extent as assessments of land are appealable.



An Act to amend The Assessment
Act.

1st Reading

March 27th, 1939

2nd Reading

3rd Reading

MR. LAMPORT

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Highway Traffic Act.

MR. LAMPORT

No. 58

1939

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 57,
amended.

1. Section 57 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and every such by-law when so approved shall be valid," so that the said section shall now read as follows:

Municipal
by-laws
inconsistent.

57. Any by-laws passed by any municipal corporation or board of police commissioners or police trustees for regulating traffic on the highways which are inconsistent with the provisions of this Act, shall be deemed to be repealed, and hereafter all by-laws for regulating traffic on highways shall be submitted to the Department for approval and shall not become operative until the Department shall have approved of same and every such by-law when so approved shall be valid.

Short title.

2. This Act may be cited as *The Highway Traffic Amendment Act, 1939*.

EXPLANATORY NOTE

Section 57 of *The Highway Traffic Act* now provides that municipal by-laws for regulating traffic on highways which are inconsistent with the provisions of the Act shall be deemed to be repealed and all such by-laws passed after this section of the Act came into force shall be submitted to the Department of Highways for approval and shall not become operative until the Department shall have approved of the same.

The amendment would make any by-law of a municipal corporation or board of police commissioners, which has been approved by the Department, valid, whether or not such by-law is inconsistent with the provisions of the Act.

BILL

An Act to amend The Highway
Traffic Act.

1st Reading

March 27th, 1939

2nd Reading

3rd Reading

MR. LAMPORT

No. 59

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Highway Improvement Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 56, s. 8,
subs. 2,
amended.

1. Subsection 2 of section 8 of *The Highway Improvement Act* is amended by striking out the word "November" in the third line and inserting in lieu thereof the word "April," so that the said subsection shall now read as follows:

How credits
to be made.

(2) The sums mentioned in clauses *a* to *e* of subsection 1 shall be credited to the Fund annually as of the 1st day of April in each year and shall be computed upon the gross receipts from the sources designated in the said clauses in the next preceding fiscal year.

Rev. Stat.,
c. 56, ss. 10,
11, repealed.

2. Sections 10 and 11 of *The Highway Improvement Act* are repealed.

Rev. Stat.,
c. 56, s. 33,
amended.

3. Section 33 of *The Highway Improvement Act* is amended by striking out the words "and Highways" where they occur in the ninth and twelfth lines respectively, so that the said section shall now read as follows:

Procedure
on expropri-
ation of
land.

33. Where, in the exercise of its powers or in the performance of its obligations under this Act, the corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works, as set out in the said *The Public Works Act* may be exercised

Rev. Stat.,
cc. 266, 54.

EXPLANATORY NOTES¹

SECTION 1. This amendment is rendered necessary by reason of the fact that the fiscal year of the Government now commences April 1st.

SECTION 2. Section 10 of *The Highway Improvement Act* provides for the appointment of a "Highway Committee" from among the members of the Assembly. No such committee has ever been set up and the provision is repealed by this section of the Bill.

Section 11 of *The Highway Improvement Act* permits the Minister to arrange for special instruction or publicity in respect to highway improvement, and provides for payment of the cost thereof. The section has not been used for some time and is repealed.

SECTION 3. This amendment is necessary as "Minister" under *The Public Works Act* is defined as meaning the Minister of Public Works.

and performed in the name of the corporation of the county.

Rev. Stat.,
c. 56,
amended.

4. *The Highway Improvement Act* is amended by adding thereto the following section:

Expropria-
tion of land.

57a.—(1) Where the Minister receives from the Niagara Falls Bridge Commission, a corporation incorporated under the laws of the United States of America by joint resolution of the Senate and House of Representatives in Congress assembled, dated the sixteenth day of June, 1938, referred to in this section as "the Commission", a copy of a resolution of the Commission sealed with the seal and signed by the chairman of the Commission, stating that the Commission requires land or property located in Ontario therein described for the purposes of the Commission or where the Minister deems any land or property necessary for the purposes of the Commission or where the Minister deems it in the interest of the Province to acquire any land or property situate on the Niagara River, or within a distance of one mile from the said river, the Minister may, without the consent of the owner thereof, authorize the Commission and his or its agents, representatives, employees and servants, or any of them, to enter upon such land or property and may take and expropriate such land and property in the same manner as he may take and expropriate land or property which he may deem necessary for the use or purposes of the Department.

Application
of Rev. Stat.,
c. 54,
ss. 8 to 38.

(2) The provisions of this Act relating to the entering upon, taking, expropriating and acquiring and disposing of and compensation for land and property required for the purposes of the Department and sections 8 to 38 of *The Public Works Act* shall apply *mutatis mutandis* to the entering upon, taking, expropriating and acquiring and disposing of and compensation for land and property so taken and expropriated.

Power to
sell, etc.,
land and
property.

(3) Where the Minister has acquired land or property under this section for the purposes of the Commission, he may sell, transfer or convey such land and property to the Commission, or to any person whom the Commission may direct, on such terms and subject to such conditions as he may deem proper.

Rev. Stat.,
c. 56, s. 74,
subs. 3,
amended.

5. Subsection 3 of section 74 of *The Highway Improvement Act* is amended by adding at the end thereof the following

SECTION 4. The amendment permits the Minister of Highways to expropriate lands for the purposes of the Niagara Bridge Commission and other lands adjacent to the Niagara River.

SECTION 5. A recent case holds that by reason of subsection 3 of section 74 of *The Highway Improvement Act*, the owner of horses, cattle, swine or sheep is liable for all damages resulting from any such animals being at large on the King's Highway regardless of the precautions taken by the owner to prevent the animals from going on to the highway. This section amends the subsection above referred to and restricts its operation to that of a penalty section.

words "provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of such horses, cattle, swine or sheep running at large within the limits of the King's Highway," so that the said subsection shall now read as follows:

Horses,
cattle, etc.,
on highway.

- (3) Every person who being the owner of horses, cattle, swine or sheep, suffers or permits the same or any of them to run at large within the limits of the King's Highway, shall be guilty of an offence and shall incur a penalty not exceeding, for every horse found at large upon the highway, \$5; for every head of cattle found at large upon the highway, not more than \$3; and for every hog, sheep or goat found at large upon the highway, not more than \$1; provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of such horses, cattle, swine or sheep running at large within the limits of the King's Highway.

Proviso.

Rev. Stat.,
c. 56, s. 75,
amended.

6. Section 75 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Insufficiency
of fence,
etc.

- (2a) No action shall be brought against the Department for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard-rail, railing or barrier or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the highway lands or any part thereof not within the travelled portion of such highway.

Rev. Stat.,
c. 56,
amended.

7. *The Highway Improvement Act* is amended by adding thereto the following section:

Divided
highway.

- 79a.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may designate any portion of the King's Highway as a divided highway and all the provisions of this Act relating to the King's Highway as well as the provisions of this section shall apply to every divided highway.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations relating to divided highways,—

(a) prohibiting or regulating the opening into divided highways of private roads and en-

SECTION 6. A recent judgment of the Court of Appeal holds that the erection and maintenance of barriers or guards along the highway is the responsibility of the body responsible for the maintenance of the highway.

SECTION 7:

79a.—(1) This subsection permits the Lieutenant-Governor in Council to designate any portion of the King's Highway as a divided highway. The provisions of *The Highway Improvement Act* applying to other portions of the King's Highway as well as the provisions of the proposed section 79a will apply to divided highways.

(2) This provision permits the Lieutenant-Governor in Council to make regulations relating to divided highways so that the "through highway" nature of these highways may be retained.

trances to premises adjoining divided highways;

- (b) prohibiting or regulating the use of divided highways by any type or class of vehicles;
- (c) prohibiting or regulating the erection of buildings or other structures upon or adjacent to highways intersecting or running into divided highways for a distance of six hundred feet from the divided highways;
- (d) prohibiting or regulating the erection of power lines or other pole lines upon or within one quarter of a mile of any divided highway and the provisions of any regulations made under the authority of this clause shall apply notwithstanding any provision of any other general Act or any special Act heretofore passed by this Legislature; and
- (e) generally for the better carrying out of the provisions of this Act relating to divided highways.

Penalty.

Rev. Stat.,
c. 136.

- (3) Every person who violates any of the provisions of the regulations made under the authority of this section shall be liable to a penalty of not less than \$1 and not more than \$100 recoverable under *The Summary Convictions Act*, and the continuance of the condition constituting such violation for each week after a conviction therefor shall be deemed to be a further violation.

Closing
roads.

- (4) Subject to the approval of the Board, the Department may close any county, township or other road which intersects or runs into a divided highway.

Notice of
application
for approval.

- (5) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine and upon the hearing of such application the Board may make such order as it deems proper refusing its approval or granting approval upon such terms and conditions as it deems proper.

Order of
Board.

- (6) Any order of the Board approving of the closing of a road may contain provisions,—
 - (a) determining the point or points at which such road shall be closed;

(3) Provides penalties for violations of the regulations passed under this section.

(4)-(12) Provide for the closing of county, township and other roads which intersect or run into a divided highway. These roads may be closed only with the approval of the Municipal Board which has authority to order compensation to persons injuriously affected.

(b) providing for the compensation of persons injuriously affected by the closing of the road,—

(i) by the payment of damages by the Department to any of such persons;

(ii) by the providing of another road for the use of any of such persons;

(iii) by the vesting of any portion of the road allowance of the road so closed in any of such persons notwithstanding the provisions of any other Act; and

(iv) in such other manner as it may deem proper;

(c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(d) providing for the doing of such other acts as in the circumstances it deems proper.

Closing
road.

(7) Upon the approval of the Board being so obtained, but subject to the provisions of the order of the Board made on the application for such approval, the Department may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal.

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that Court from any order of the Board approving the closing of such road, and the Department may, upon like leave, appeal from any order of the Board made on an application under this section.

Leave to
appeal.

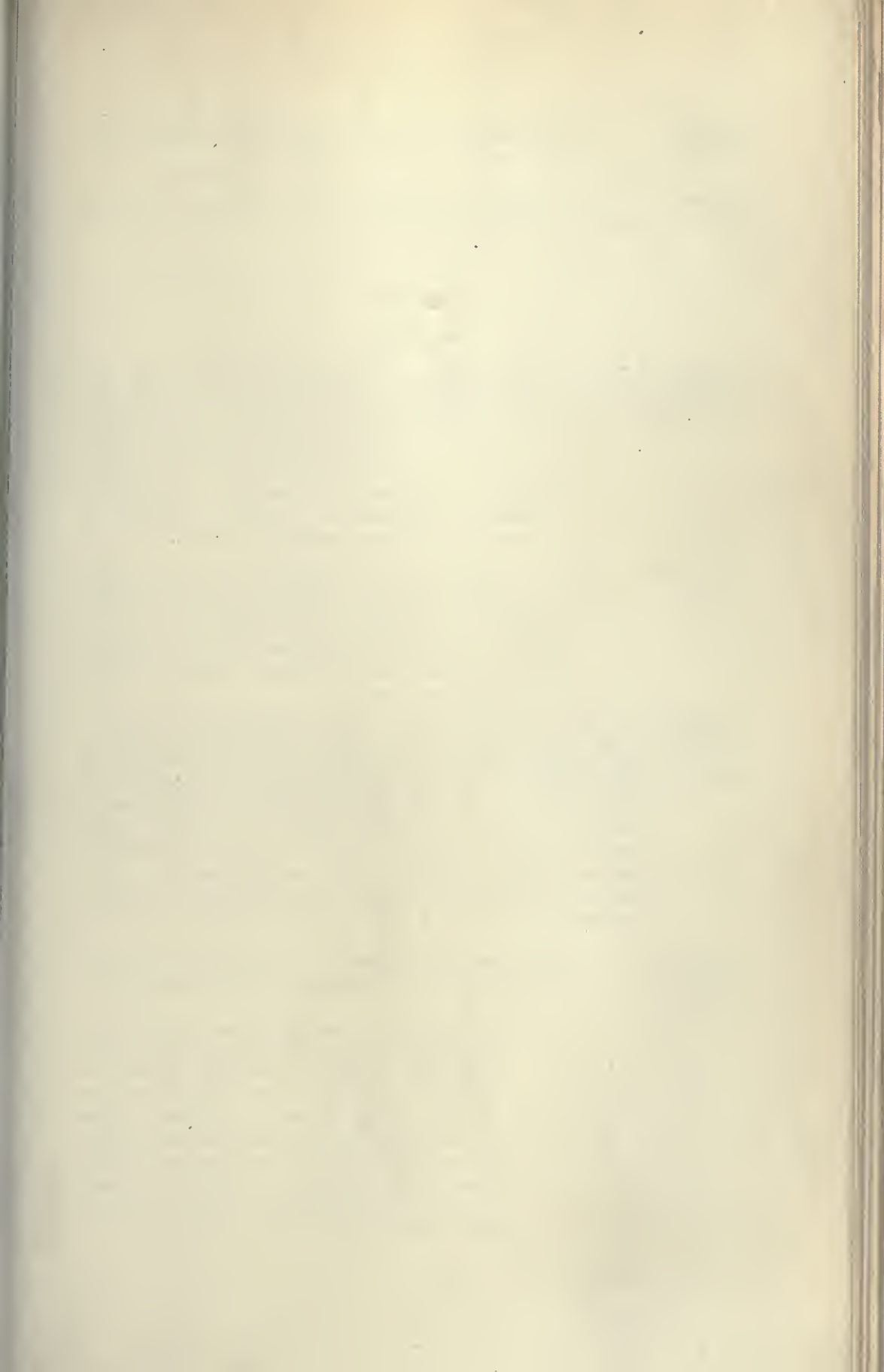
(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the Court may deem just.

Practice and
procedure
on appeal.

(10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal shall be final.

Rev. Stat.,
c. 60, s. 103,
not to
apply.

(11) Section 103 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.



"Board", —
meaning of.

(12) In this section "Board" shall mean Ontario Municipal Board.

Rev. Stat.,
c. 56,
amended.

8. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART VA.

DEVELOPMENT ROADS

Develop-
ment road, —
designation
of;

79b. The Lieutenant-Governor in Council upon the recommendation of the Minister may designate as a "Development Road" any road or proposed road in any part of a provisional judicial district or provisional county not within an organized municipality, which he may deem it expedient to improve or construct to promote or maintain settlement or development in any such part of Ontario.

Construction
of.

79c. The Department may undertake the construction and improvement of any development road and in respect to any such road the Minister shall have and may exercise all the powers conferred upon him by Part V, and Part V shall apply *mutatis mutandis* to development roads.

Rev. Stat.,
c. 56, s. 80,
subs. 1,
cl. a,
amended.

9.—(1) Clause *a* of subsection 1 of section 80 of *The Highway Improvement Act* is amended by inserting after the word "regulating" in the first line the words "the operation of markets, stalls or other places where fruit, vegetables or other goods are exposed or offered for sale," and by adding at the end of the said clause the words "or from any highway in respect of which the Department pays any portion of the cost of maintenance," so that the first two lines of the said subsection and clause *a* shall now read as follows:

Regulations
as to mar-
kets, sign
boards, etc.

(1) The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

- (a) prohibiting or regulating the operation of markets, stalls or other places where fruit, vegetables or other goods are exposed or offered for sale, the erection of signs and sign boards and the pasting or painting of signs or notices and the exposing of any advertising device upon or within one-quarter of a mile from the King's Highway or from any highway in respect of which the Department pays any portion of the cost of maintenance;

SECTION 8:

79*b* and 79*c*. This new Part added to the Act recognizes a new type of road so far as *The Highway Improvement Act* is concerned. It is proposed to permit the Department of Highways to construct or maintain, or assist in constructing or maintaining any proposed or existing road in the unorganized portion of Ontario.

SECTION 9.—(1) The provision permitting the making of regulations regarding the erection of signs and sign boards upon or within a quarter of a mile of the King's Highway is amended so that the regulations may be made to apply to the operation of markets and stalls where fruits, vegetables and other goods are offered for sale. The amendment also permits the provisions to apply to all highways of which the Department pays a portion of the maintenance.

Rev. Stat.,
c. 56, s. 80,
subs. 3,
amended.

(2) Subsection 3 of the said section 80 is amended by inserting after the word "regulation" in the first line the words "or any regulation made under subsection 5 of section 71," so that the said subsection shall now read as follows:

Penalty for
contraven-
tion.

(3) Any person contravening any such regulation or any regulation made under subsection 5 of section 71, or destroying or defacing any sign, sign board, notice or advertising device lawfully authorized under this Act, shall incur a penalty of not less than \$1, nor more than \$100, in addition to the value of the property injured or destroyed, to be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Commence-
ment of
ss. 5 and 7.

10. Section 5 of this Act shall come into force on the day upon which it receives the Royal Assent and section 7 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Highway Improvement Amendment Act, 1939*.

(2) Subsection 3 of section 80 provides penalties for violating regulations relating to the erection of sign boards and gasoline pumps. The penalty provision is extended so as to apply also to violations of regulations governing the erection of fences, buildings and other structures and the placing of trees, shrubs and hedges.

An Act to amend The Highway
Improvement Act.

1st Reading

March 27th, 1939

2nd Reading

3rd Reading

MR. McQUESTEN

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Highway Improvement Act.

MR. MCQUESTEN

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 56, s. 8,
subs. 2,
amended.

1. Subsection 2 of section 8 of *The Highway Improvement Act* is amended by striking out the word "November" in the third line and inserting in lieu thereof the word "April," so that the said subsection shall now read as follows:

How credits
to be made.

(2) The sums mentioned in clauses *a* to *e* of subsection 1 shall be credited to the Fund annually as of the 1st day of April in each year and shall be computed upon the gross receipts from the sources designated in the said clauses in the next preceding fiscal year.

Rev. Stat.,
c. 56, s. 10,
repealed.

2. Section 10 of *The Highway Improvement Act* is repealed.

Rev. Stat.,
c. 56, s. 33,
amended.

3. Section 33 of *The Highway Improvement Act* is amended by striking out the words "and Highways" where they occur in the ninth and twelfth lines respectively, so that the said section shall now read as follows:

Procedure
on expropri-
ation of
land.

33. Where, in the exercise of its powers or in the performance of its obligations under this Act, the corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works, as set out in the said *The Public Works Act* may be exercised

Rev. Stat.,
cc. 266, 54.

and performed in the name of the corporation of the county.

4. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat.,
c. 56,
amended.

57a.—(1) Where the Minister receives from the Niagara Falls Bridge Commission, a corporation incorporated under the laws of the United States of America by joint resolution of the Senate and House of Representatives in Congress assembled, dated the sixteenth day of June, 1938, referred to in this section as “the Commission”, a copy of a resolution of the Commission sealed with the seal and signed by the chairman of the Commission, stating that the Commission requires land or property located in Ontario therein described for the purposes of the Commission or where the Minister deems any land or property necessary for the purposes of the Commission or for the purpose of constructing a highway to connect any bridge of the Commission, or any approach thereto, with any highway, the Minister may, without the consent of the owner thereof, authorize the Commission and his or its agents, representatives, employees and servants, or any of them, to enter upon such land or property and may take and expropriate such land and property in the same manner as he may take and expropriate land or property which he may deem necessary for the use or purposes of the Department. Expropriation of land.

- (2) The provisions of this Act relating to the entering upon, taking, expropriating and acquiring and disposing of and compensation for land and property required for the purposes of the Department and sections 8 to 38 of *The Public Works Act* shall apply *mutatis mutandis* to the entering upon, taking, expropriating and acquiring and disposing of and compensation for land and property so taken and expropriated. Application of Rev. Stat.,
c. 54,
ss. 8 to 38.

- (3) Where the Minister has acquired land or property under this section for the purposes of the Commission, he may sell, transfer or convey such land and property to the Commission, or to any person whom the Commission may direct, on such terms and subject to such conditions as he may deem proper. Power to sell, etc.,
land and
property.

5. Subsection 3 of section 74 of *The Highway Improvement Act* is amended by adding at the end thereof the following Rev. Stat.,
c. 56, s. 74,
subs. 3,
amended.

words "provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of such horses, cattle, swine or sheep running at large within the limits of the King's Highway," so that the said subsection shall now read as follows:

Horses,
cattle, etc.,
on highway.

- (3) Every person who being the owner of horses, cattle, swine or sheep, suffers or permits the same or any of them to run at large within the limits of the King's Highway, shall be guilty of an offence and shall incur a penalty not exceeding, for every horse found at large upon the highway, \$5; for every head of cattle found at large upon the highway, not more than \$3; and for every hog, sheep or goat found at large upon the highway, not more than \$1; provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of such horses, cattle, swine or sheep running at large within the limits of the King's Highway.

Proviso.

Rev. Stat.,
c. 56, s. 75,
amended.

6. Section 75 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Insufficiency
of fence,
etc.

- (2a) No action shall be brought against the Department for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard-rail, railing or barrier or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the highway lands or any part thereof not within the travelled portion of such highway.

Rev. Stat.,
c. 56,
amended.

7. *The Highway Improvement Act* is amended by adding thereto the following section:

Divided
highway.

- 79a.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may designate any portion of the King's Highway as a divided highway and all the provisions of this Act relating to the King's Highway as well as the provisions of this section shall apply to every divided highway.

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations relating to divided highways,—

- (a) prohibiting or regulating the opening into divided highways of private roads and en-

trances to premises adjoining divided highways;

- (b). prohibiting or regulating the use of divided highways by any type or class of vehicles;
 - (c) prohibiting or regulating the erection of buildings or other structures upon or adjacent to highways intersecting or running into divided highways for a distance of six hundred feet from the divided highways;
 - (d) prohibiting or regulating the erection of power lines or other pole lines upon or within one quarter of a mile of any divided highway and the provisions of any regulations made under the authority of this clause shall apply notwithstanding any provision of any other general Act or any special Act heretofore passed by this Legislature; and
 - (e) generally for the better carrying out of the provisions of this Act relating to divided highways.
- (3) Every person who violates any of the provisions of the regulations made under the authority of this section shall be liable to a penalty of not less than \$1 and not more than \$100 recoverable under *The Summary Convictions Act*, and the continuance of the condition constituting such violation for each week after a conviction therefor shall be deemed to be a further violation. ^{Penalty. Rev. Stat., c. 136.}
- (4) Subject to the approval of the Board, the Department may close any county, township or other road which intersects or runs into a divided highway. ^{Closing roads.}
- (5) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine and upon the hearing of such application the Board may make such order as it deems proper refusing its approval or granting approval upon such terms and conditions as it deems proper. ^{Notice of application for approval.}
- (6) Any order of the Board approving of the closing of a road may contain provisions,— ^{Order of Board.}
- (a) determining the point or points at which such road shall be closed;

(b) providing for the compensation of persons injuriously affected by the closing of the road,—

(i) by the payment of damages by the Department to any of such persons;

(ii) by the providing of another road for the use of any of such persons;

(iii) by the vesting of any portion of the road allowance of the road so closed in any of such persons notwithstanding the provisions of any other Act; and

(iv) in such other manner as it may deem proper;

(c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(d) providing for the doing of such other acts as in the circumstances it deems proper.

Closing
road.

(7) Upon the approval of the Board being so obtained, but subject to the provisions of the order of the Board made on the application for such approval, the Department may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal.

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that Court from any order of the Board approving the closing of such road, and the Department may, upon like leave, appeal from any order of the Board made on an application under this section.

Leave to
appeal.

(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the Court may deem just.

Practice and
procedure
on appeal.

(10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal shall be final.

Rev. Stat.,
c. 60, s. 103,
not to
apply.

(11) Section 103 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.

- (12) In this section "Board" shall mean Ontario Municipal Board. "Board", — meaning of.

8. *The Highway Improvement Act* is amended by adding thereto the following Part: Rev. Stat., c. 56, amended.

PART VA.

DEVELOPMENT ROADS

79b. The Lieutenant-Governor in Council upon the recommendation of the Minister may designate as a "Development Road" any road or proposed road in any part of a provisional judicial district or provisional county not within an organized municipality, which he may deem it expedient to improve or construct to promote or maintain settlement or development in any such part of Ontario. Development road, — designation of;

79c. The Department may undertake the construction and improvement of any development road and in respect to any such road the Minister shall have and may exercise all the powers conferred upon him by Part V, and Part V shall apply *mutatis mutandis* to development roads. Construction of.

9. Subsection 3 of section 80 of *The Highway Improvement Act* is amended by inserting after the word "regulation" in the first line the words "or any regulation made under subsection 5 of section 71," so that the said subsection shall now read as follows: Rev. Stat., c. 56, s. 80, subs. 3, amended.

- (3) Any person contravening any such regulation or any regulation made under subsection 5 of section 71, or destroying or defacing any sign, sign board, notice or advertising device lawfully authorized under this Act, shall incur a penalty of not less than \$1, nor more than \$100, in addition to the value of the property injured or destroyed, to be recoverable under *The Summary Convictions Act*. Penalty for contravention.

10. Section 5 of this Act shall come into force on the day upon which it receives the Royal Assent and section 6 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of ss. 5 and 6.

11. This Act may be cited as *The Highway Improvement Amendment Act, 1939*. Short title.

An Act to amend The Highway
Improvement Act.

1st Reading

March 27th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 26th, 1939

MR. MCQUESTEN

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Municipal Act.

MR. STRACHAN

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 407,
amended.

1. Section 407 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Interior
walls and
ceilings.

4a. For requiring the interior side of the exterior walls and the ceilings and both sides of the partition walls of buildings, or any class of buildings, to be lathed and plastered or otherwise covered with adequate material.

Parking
facilities.

4b. For providing that the plans of any building to be used as an apartment house, office building, theatre, church, assembly hall, club and of any other building to which people resort in large numbers, shall not be approved unless adequate accommodation for the storage or parking of vehicles of persons who may resort to such building is provided upon the premises of the owner thereof.

Parking
facilities of
stadia.

4c. For requiring the owner or occupant of every stadium, field or premises at which large numbers of persons assemble to provide adequate accommodation for the storage or parking of the vehicles of such persons upon the premises of such owner or occupant.

Rev. Stat.,
c. 266, s. 415,
par. 1
amended.

2. The first eight lines of paragraph 1 of section 415 of *The Municipal Act* and clause *a* of the said paragraph as amended by subsection 1 of section 9 of *The Municipal Amendment Act, 1938*, are repealed and the following substituted therefor:

Licensing,
etc., bailiffs
and bailiffs'
assistants.

1. For licensing, regulating and governing bailiffs and bailiffs' assistants and for providing that any applicant for a bailiff's license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be

EXPLANATORY NOTES

SECTION 1. The present provisions of *The Municipal Act* deal with structural matters but do not include the interior finish such as lathing and pastering of interior walls and partitions. It is considered that authority to deal with such matters should be given to council.

The remaining two paragraphs of section 1 of this Bill deal with off-street parking and are designed to give councils adequate authority to deal with the problem which is very pressing in large cities.

SECTION 2. Paragraph 1 of section 415 of *The Municipal Act* is extended to include bailiffs' assistants as it is considered such persons should be licensed and controlled just as much as bailiffs.

The present clause *a* of paragraph 1 of section 415 of *The Municipal Act* defines a bailiff as one acting under a warrant so that the by-law may be evaded by not using a warrant. The new clause will prevent this practice.

required by the council of the municipality and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose.

"Bailiff"
defined.

- (a) For the purpose of this paragraph "bailiff" shall include any person acting, or holding himself out as being prepared to act, for or on behalf of any person in the seizure and sale or seizure only of chattels, or in any eviction or the collection of rent or taxes by distress or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security, and "bailiff's assistant" shall include any person acting for or on behalf of a bailiff in the course of any eviction, distress or repossession of goods or chattels as aforesaid, but neither "bailiff" nor "bailiff's assistant" shall include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record.

"Bailiff's
Assistant"
defined.

Rev. Stat.,
c. 266, s. 420,
amended.

3. Section 420 of *The Municipal Act* is amended by adding thereto the following paragraph:

Revocation
of garage
and service
station
licenses.

- 16a. For revoking any license granted under a by-law authorized by paragraph 14 or 15; provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose.

Rev. Stat.,
c. 266, s. 435,
par. 1, re-
enacted.

4. Paragraph 1 of section 435 of *The Municipal Act* and clause a of the said paragraph are repealed and the following substituted therefor:

Licensing,
etc.,
dry cleaners,
pressers, etc.

1. For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spot or stain removing; for licensing any person engaging in any such business or any person who collects in the municipality articles or goods to be subjected to any such process, or who delivers in the municipality articles or goods which have been subjected to any such process; for authorizing the architect or other person named in the by-law to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by persons engaging in any such business and for revoking any such license.

SECTION 3. It is desirable that councils should have the power to cancel a license of a public garage or automobile service station.

SECTION 4. Section 435 of *The Municipal Act* has been held to authorize the licensing of dry-cleaning, dry-dyeing, etc., only if gasoline or other volatile or inflammable liquid is used. It is considered that the by-law should apply generally to the trade including businesses which are located and operate outside the municipality but pick up and deliver articles within the municipality.

Application
of by-law.

- (a) Any such by-law, passed by the council of a county, shall not apply in any town or township which has a similar by-law.

Rev. Stat.,
c. 266, s. 437,
par. 1,
re-enacted.

5. Paragraph 1 of section 437 of *The Municipal Act* and clause *a* of the said paragraph are repealed and the following substituted therefor:

Electrical
Workers.

1. For examining, licensing, regulating and governing electricians, master electricians and journeyman electricians.

"Master
Electrician."

- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who, himself, or by journeyman electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person, other than a master electrician, who has been in the employ of a master electrician for not less than one year and desires to do electrical work as his calling.

"Journey-
man Elec-
trician."

Exception.

- (b) Any such by-law shall not apply to the employees of any public service commission or corporation.

Rev. Stat.,
c. 266, s. 438,
amended.

6. Section 438 of *The Municipal Act* is amended by adding thereto the following heading and paragraph:

Street Photographers.

Licensing,
etc., street
photo-
graphers.

3. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices in or upon any highway or public place and for revoking any such license.

SECTION 5. This amendment is considered necessary in order to have a satisfactory by-law for licensing and regulating all persons engaged in this trade.

At present authority is confined to the actual workmen doing electrical work and does not extend to employers.

SECTION 6. This section is designed to control those commonly known as street photographers who operate for profit.

An Act to amend The Municipal Act.

1st Reading

March 28th, 1939

2nd Reading

3rd Reading

MR. STRACHAN

No. 61

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Companies Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 251,
amended.

1. *The Companies Act* is amended by adding thereto the following Part:

PART XVII.

CREDIT UNIONS.

Interpreta-
tion.

315. In this Part,—

"Credit
committee."

(a) "Credit committee" shall mean credit committee of a credit union;

"Credit
union."

(b) "Credit union" shall mean a company incorporated under this Act and made by the letters patent subject to this Part, for the purpose and object of making loans to its members from moneys received in payment of shares or moneys received on deposit from its members or from other assets or from moneys borrowed;

"Supervisory
committee."

(c) "Supervisory committee" shall mean supervisory committee of a credit union;

"Officer."

(d) "Officer" shall include treasurer, secretary, manager or clerk; and

"Inspector."

(e) "Inspector" shall mean the inspector of credit unions.

Application.

316. This Part shall apply to applications for incorporation of credit unions and to credit unions when incorporated and made by the letters patent subject to this Part.

EXPLANATORY NOTES

GENERAL. This amendment to *The Companies Act* provides for legislation permitting the incorporation by letters patent of credit unions having as their primary object the promotion of thrift among persons having a common bond of occupation. It creates a common fund of savings, realized from the sale of shares to members and the deposits made by such members; this fund becomes available to the members either as a basis for loans or as a fund for investment the earnings of which accrue to the members of the credit union by way of dividend.

The amendment repeals *The Co-operative Credit Societies Act*, R.S.O. 1937, c. 258, which lacked the necessary supervisory powers. The present amendment, known as "Part XVII of *The Companies Act*," has been drawn to conform with existing legislation of the other provinces and with the expressed needs of credit union administration.

SECTION 315. Self explanatory.

SECTION 316. Self explanatory.

- Application of general provisions.
317. Except where inconsistent with this Part, the provisions of this Act shall apply to credit unions and the words "share" and "shareholder" in such provisions shall be taken to mean "membership" and "member" respectively.
- Inspector.
Rev. Stat., c. 257.
318. The registrar appointed under the provisions of *The Loan and Trust Corporations Act* shall be, *ex officio*, Inspector of Credit Unions.
- Petition for charter.
319. The petition for a grant of charter incorporating a credit union shall be signed by at least ten persons who are residents of Ontario and of the full age of twenty-one years.
- Par value of shares.
- 320.—(1) The capital of a credit union shall be divided into shares having a par value of \$5 each.
- Provisions as to call.
- (2) Such shares shall not be subject to call save in the event of bankruptcy, winding up or dissolution of the credit union.
- No transfer unless authorized.
- (3) No transfer of shares of the credit union shall be valid unless authorized by the board of directors.
- Share qualification.
- 321.—(1) A member of a credit union shall hold at least one fully paid share.
- Unpaid balance on shares.
- (2) No additional share shall be allotted to a member while there remains an unpaid balance on a share previously allotted to him.
- Membership by other credit union.
322. Any credit union may be a member of another credit union but shall not be entitled to receive a loan without the consent in writing of the Inspector.
- Voting.
323. Each member shall be entitled to one vote only and no member may vote by proxy, provided that a member which is a credit union may vote through a duly delegated agent.
- Minors.
324. A person under the age of twenty-one years may, subject to the by-laws, be a member of a credit union and execute all instruments and give all acquittances required to be executed or given by a member but shall not be a director or an officer of the credit union or a member of the credit or supervisory committee thereof.
- Books not open to inspection.
- 325.—(1) Save as provided in this Act or the regulations, no member or person shall have any right to inspect the books of a credit union.

SECTION 317. This section associates the words "share" and "shareholder" of the Act with the words "membership" and "member" in this Part.

SECTION 318. Self explanatory.

SECTION 319. Self explanatory.

SECTION 320. This section provides that the shares shall have a par value of \$5, and in order to promote the subscription of shares as well as the making of deposits, the shares are made not subject to call except in the event of bankruptcy, winding up or dissolution of the credit union. The section further restricts the transfer of shares as between members, requiring the consent of the Board thereto.

SECTION 321. This section requires the holding of at least one fully paid share as an incident of membership. It further provides that a member cannot subscribe for additional shares while still indebted to the credit union for a share previously subscribed for.

SECTION 322. This section permits one credit union to become a member of another such union but prohibits any loan to such credit union as a member until the consent of the Inspector is obtained.

SECTION 323. Self explanatory.

SECTION 324. This section provides that a person who is a minor, may be a member of a credit union but may not act as a member of the board of directors or of the credit or supervisory committee or as an officer.

SECTION 325. This section follows general practice and permits a member access to records of his own account but restricts any further right of inspection to the provisions of this Act or any by-law of the credit union to that effect.

- Right of member to inspect. (2) Any member of a credit union may inspect his own account at all reasonable hours of business at the head office of the credit union subject to the by-laws as to the time and manner of such inspection.
- Written consent to inspect a member's account. (3) No person other than an officer or a person authorized by the by-laws shall have the right to inspect a loan or deposit account of any member without his written consent.
- Expulsion. 326.—(1) A member may be expelled from a credit union by a two-thirds vote of the members present at a meeting duly called to consider such expulsion.
- Withdrawal. (2) A member may, subject to the by-laws, withdraw from a credit union.
- Recovery of moneys to credit of member in such case. (3) Where a member has been expelled or has withdrawn from a credit union, all moneys standing to his credit on the books of the credit union at the date of such expulsion or withdrawal, whether in respect of shares, deposits, dividends or interest thereon, shall be recoverable only upon the surrender of his shares and upon such terms and conditions as to time of payment and otherwise as are provided by the by-laws.
- Reissue of shares. (4) Any shares so surrendered may be reissued.
- No disposal of shares while in office. 327.—(1) No officer, director, or member of the credit or supervisory committee shall withdraw or surrender shares during his term of office.
- Surrender void if insolvency follows. (2) In the event of the bankruptcy or insolvency of a credit union, any surrender of shares made within four months preceding such bankruptcy or insolvency shall be null and void.
- Board of Directors. 328.—(1) A credit union in general meeting shall elect
- (a) a board of directors of not less than five and not more than nine members, as may be fixed by by-law;
- Credit committee. (b) a credit committee of not less than three and not more than five members, as may be fixed by by-law;
- Supervisory committee. (c) a supervisory committee of three members.
- Term of office. (2) The directors and members of the credit and the supervisory committees shall hold office for such

SECTION 326. . This section provides for the expulsion of a member on a two-thirds majority vote in general meeting and permits voluntary withdrawal by a member subject to surrender of shares held. The section gives to the credit union the right to control by by-law, how and when payment of any moneys owing on expulsion or withdrawal shall be made.

SECTION 327. This section provides that no director, officer or committee member shall surrender his shares during his term of office, and that any surrender of shares by any member made within four months of a bankruptcy or insolvency shall be null and void.

SECTION 328. Self-explanatory.

terms and in rotation or otherwise as the by-laws provide and until their successors are duly elected.

No duplication of office.

329. No director shall be a member of the credit or supervisory committee, and no member of the credit committee shall be a member of the supervisory committee.

Officers.

330.—(1) The directors shall, at their first meeting which shall be held within ten days after election, elect from among themselves a president, vice-president, treasurer and secretary.

Treasurer and secretary.

(2) The offices of treasurer and secretary may be held by the same person and the treasurer shall be the manager.

Return to Provincial Secretary.

(3) A return giving the names and addresses and date of election of the directors, officers and members of the committees shall be filed with the Provincial Secretary within fifteen days after election.

By-laws.

331. The directors may, by by-law,—

- (a) fix the rates of interest on loans and on deposits;
- (b) determine the maximum number of shares that may be held by any member; and
- (c) authorize investments other than loans to members.

Dividends.

332. The directors may, at the end of the fiscal year, declare a dividend payable out of net profits, which dividend may be paid on all fully paid shares outstanding at the end of the fiscal year.

Duty of credit committee.

333. The credit committee shall consider applications for loans and no loan shall be made without the unanimous approval of the members present at a meeting of such committee.

Duty of Supervisory Committee.

334.—(1) The supervisory committee shall,—

- (a) make an examination of the books and affairs of the credit union at least quarterly; and
- (b) make an audit annually of the books of the credit union and submit a report thereon to the annual meeting of members.

SECTION 329. This section is intended to prevent overlapping in offices and provides that no director or member of either the credit or supervisory committee shall act in more than a single capacity at one time.

SECTION 330. Self-explanatory.

SECTION 331. Self-explanatory.

SECTION 332. Self-explanatory.

SECTION 333. This section sets out the duties of the credit committee.

SECTION 334. This section provides for the duties and rights of the supervisory committee. In general, it requires the committee to make a quarterly examination and a yearly audit of the affairs of the credit union; it entitles the committee to suspend any officer, director or member of the credit committee, and to call a special general meeting in that or any other instance; it further entitles the committee to fill vacancies in the credit and supervisory committee.

Right to
suspend any
officer, etc.

- (2) The supervisory committee, by unanimous vote of its members, may suspend any officer, director or member of the credit committee and in case any officer, director or member of the credit committee is so suspended the supervisory committee shall forthwith call a meeting of the members of the credit union at which such officer, director or member may be removed or reinstated.

Right to
call special
meeting.

- (3) The supervisory committee may call a special meeting of the members of the credit union to consider any matter which the committee may submit to such meeting.

Right to fill
vacancies.

- (4) The supervisory committee shall make appointments to fill any vacancies in its membership or in the membership of the credit committee and any member so appointed shall hold office until the next annual meeting of the credit union.

Remunera-
tion.

335. No director or member of the credit or supervisory committee shall receive any remuneration for his services but the secretary and manager may be paid such salary or salaries as may be fixed by by-law.

Officers and
employees
to furnish
security.

336. Every officer or other employee whose duties include the receipt, custody, management or expenditure of moneys shall, before entering upon the duties of his office or employment, furnish security in such form and for such amount as may be prescribed by the by-laws.

Business
with non-
members.

- 337.—(1) No credit union shall by discount, loan or otherwise advance money to, or accept deposits from, any person not a member thereof.

Interest rate
on loans.

- (2) Interest together with all charges shall not exceed one per centum per month on the unpaid balance of any loan.

Term of
loan.

- (3) No loan shall be made for a period exceeding two years.

Maximum
value of
any loan.

- (4) Save as provided herein, loans to any member shall not exceed in the aggregate \$200 and no loan in excess of \$50 shall be made except on security satisfactory to the credit committee.

No loan over
\$50 unless
secured.

Increase in
maximum
value of
loan.

- (5) Where the aggregate of the paid-up capital, deposits and reserves of a credit union is in excess of \$10,000 the credit union may, with the consent in writing

SECTION 335. Self-explanatory.

SECTION 336. This section provides that any officer or employee who acts in a responsible position as regards money must furnish suitable security before taking office.

SECTION 337. This section provides generally for the loaning of money.

Subsection 1 limits loans and acceptance of deposits to members only.

Subsection 2 sets the interest rate on loans at 1% per month inclusive of all charges.

Subsection 3 limits all loans to a maximum period of two years.

Subsection 4 limits unsecured loans to \$50 and all loans to \$200; an exception to the latter is made in subsection 5 which provides that a credit union having combined paid-up capital deposits and reserve in excess of \$10,000 may increase the maximum loan value to \$500.

of the Inspector, by by-law authorize the making of loans not exceeding in the aggregate \$500 to any member.

Loans to
officers, etc.

- (6) No director, officer or member of a committee shall borrow or have on loan an amount in excess of the aggregate of his fully paid up shares and deposits unless such loan is approved unanimously at a joint meeting of the board of directors and credit and supervisory committees.

Lien on
shares and
deposits.

338. A credit union shall have a lien on the shares and deposits of a member for any debt due or accruing due or for any loan endorsed or guaranteed by him, and may set off any sum standing on the books thereof to the credit of such member in or towards the payment of such debt.

Reserve
fund.

- 339.—(1) Any entrance fees and fines collected by a credit union together with at least twenty per centum of its yearly net profits before the deduction of any dividends, shall be set aside as a reserve fund to meet losses until such fund equals the maximum aggregate amount of the paid up share capital and deposits.

- (2) The reserve fund shall be maintained at or restored to the maximum aggregate amount of the paid up share capital and deposits notwithstanding any impairment of such fund or any subsequent reduction of the paid up share capital and deposits.

- (3) All moneys credited to such fund may be invested only in securities in which a trustee may invest under *The Trustee Act*.

Rev. Stat.,
c. 165.

Borrowing
by credit
union.

- 340.—(1) A credit union may, by by-law, borrow to an amount which shall not in the aggregate exceed fifty per centum of its capital and deposits.

Confirma-
tion of
by-law.

- (2) No such by-law shall take effect unless it has been confirmed by a vote of not less than three-quarters of the members present at a general meeting duly called for considering it.

Right to
mortgage,
pledge, etc.

- (3) The directors may by any such by-law, charge, hypothecate, mortgage or pledge any or all of the real or personal property of the credit union, including book debts.

Fiscal year.

- 341.—(1) The fiscal year of a credit union shall end on the 31st day of December in each year.

Subsection 6 provides that no director, officer or member of a committee shall in any event be permitted to borrow in excess of his combined paid-up shares and deposits; unless such loan is approved unanimously at a joint meeting of the Board and of the credit and supervisory committees.

SECTION 338. Self-explanatory.

SECTION 339. This section provides for the creation of a reserve fund in order to meet losses. The fund is to be added to until it reaches the maximum amount at any time of the paid-up share capital and deposits, notwithstanding any impairment or reduction. If the fund suffers any loss the regular yearly additions are to continue until the maximum amount as above is again reached.

SECTION 340. This section permits the credit union to borrow by by-law not in excess of 50% of capital and deposits subject, however, to confirmation of such by-law by a three-quarter majority vote in general meeting called to consider such by-law. There is given in connection with the above added power to mortgage the assets of the credit union.

SECTION 341. This section provides for a common termination of the fiscal year for all credit unions, and sets the annual meeting. The section further provides for the nature of the report to be made to the meeting and itemizes the essential features of the balance sheet. A copy of the report duly certified and verified must be filed with the inspector.

Annual
meeting.

- (2) The annual meeting of the credit union shall be held at such time and place in the month of January as the by-laws may provide and in default of any such provision it shall be held at the head office of the credit union on the fourth Wednesday in January.

Report for
annual
meeting.

- (3) The directors shall lay before the meeting a report consisting of,—

- (a) a balance sheet as of the 31st day of December immediately preceding such meeting;
- (b) a statement of income and expenditure for the last fiscal year;
- (c) the report of the supervisory committee;
- (d) such further information as the by-laws may require.

Balance
Sheet.

- (4) Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely,—

- (a) Cash;
- (b) Debts owing to the credit union from members;
- (c) Land and buildings;
- (d) Debts owing by the credit union secured by mortgage or other lien upon the property of the credit union;
- (e) Debts owing by the credit union but not secured;
- (f) Amount received on shares;
- (g) Amount owing on shares;
- (h) Amount paid on withdrawal of shares;
- (i) Amount received on deposit;
- (j) Amount paid on withdrawal of deposits;
- (k) Amount presently on deposit;
- (l) Indirect and contingent liabilities.

Copy to be
filed with
Inspector.

- (5) A copy of such report, certified by the supervisory committee and verified by the affidavit of the president, shall be filed forthwith in the office of the Inspector, and no statement shall be released or distributed to members which is different from or inconsistent with the report filed with the Inspector.

Copy of
balance
sheet to
member on
application.

342. A credit union shall supply gratuitously to every member on his written application therefor or as provided by the by-laws, a copy of the last annual balance sheet.

Information
for
Inspector.

- 343.—(1) Every credit union shall furnish the Inspector with such statements with respect to its business, finances and other affairs and such other information as he may require.

Yearly
statement
for
Inspector.

- (2) A credit union shall, on or before the 1st day of March in each year deliver to the Inspector, in duplicate, an audited statement of the receipts and expenditures, assets and liabilities of the credit union and such other information as may be required by the Inspector.

Idem.

- (3) The statement and any other information shall be certified by the supervisory committee and shall be verified by the affidavit of the president.

Inspection.

- 344.—(1) The Inspector or any person authorized by him may inspect and examine into the condition and affairs of each credit union and shall have access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with the provisions of this Act, and the officers and employees shall facilitate such inspection and examination.

Idem.

- (2) The Inspector shall report upon every such inspection or examination to the Provincial Secretary.

Right of
Inspector to
examine
under oath.

- (3) The Inspector or any person authorized by him may examine under oath the directors, officers, employees and members in order to obtain any information which he deems necessary for the purpose of such examination, and upon such examination the Inspector or any person authorized by him shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

SECTION 342. Self-explanatory.

SECTION 343. This section provides for information which the Inspector may request at any time and also for a specific annual return to be made to such official, setting out receipts, expenditures, assets and liabilities and such other information as required.

SECTION 344. This section provides for inspection of the affairs of a credit union by the Inspector. It sets out the duties of the credit union and the rights of the Inspector on such examination. It permits the preparation of a general report dealing with the affairs of credit unions.

General
business
report
prepared by
Inspector.

- (4) The Inspector may, and at the request of the Provincial Secretary shall, prepare from statements filed by the credit unions and from any inspection and inquiry made, a report showing particulars of the business of each credit union and every such report may be printed and published forthwith after completion.

Suspension
of corporate
powers.

- 345.—(1) The corporate powers of a credit union may be suspended by the Provincial Secretary upon such conditions as he may deem proper.

Possession
of assets,
books, etc.

- (2) The Inspector shall take possession and have custody of the assets, books and records of such credit union upon, and during, any suspension.

Regulations.

346. The Lieutenant-Governor in Council may make regulations under this Part,—

- (a) prescribing the form and contents of the by-laws of credit unions;
- (b) prescribing the procedure and forms to be used under this Part;
- (c) prescribing the fees payable for incorporation, filings, inspection and supervision of credit unions; and
- (d) governing the management and control of credit unions and generally for the better carrying out of the provisions of this Part.

Use of words
"credit
union",
"credit
society",
"co-opera-
tive credit"
and "caisse
populaire"
in name.

347. Any person, partnership, organization, society, association, or incorporated company or corporation, not being a credit union, or any officer, employee or person acting on his or its behalf, assuming or using in Ontario a name which includes, or uses in connection therewith to describe its business, the words "credit union", or "credit society" or "co-operative credit" or "caisse populaire" shall be guilty of an offence, but where the words "credit union", or "credit society" or "co-operative credit" or "caisse populaire" form part of the corporate name of any corporation heretofore incorporated, such words may continue to be used as part of the corporate name.

Penalty for
offences
under Act or
regulations,
etc.

348. Any person, partnership, corporation, association or other organization and any director, officer, employee or other person acting for or on his or its behalf which violates any of the provisions of this Act

SECTION 345. Self-explanatory.

SECTION 346. Self-explanatory.

SECTION 347. This section prohibits the use of those words in a name which tend to create a resemblance to credit unions, unless used by a credit union within the application of this Part.

SECTION 348. This section provides for penalties for a violation of any provision of this Act or the regulations, or the giving of false or insufficient information.

or the regulations or makes a return or wilfully furnishes information required under this Act false or insufficient in any respect shall be guilty of an offence and shall be liable to a penalty of not less than \$20 and not exceeding \$200 for every such offence and in default of payment to imprisonment for a term not exceeding three months.

No action
to be taken
against
Inspector.

349. No action or proceeding shall be brought against the Inspector or any person acting under his direction for anything done or omitted to be done in the performance or intended or supposed performance of his duties under this Act.

Corporate
powers of
societies
under
*Co-operative
Credit Societies
Act ipso facto
forfeited.*

350. The corporate powers of every co-operative credit society incorporated under the provisions of *The Co-operative Credit Societies Act* shall, upon the expiration of six months after this Act comes into force be *ipso facto* forfeited except so far as is necessary for the purpose of the winding up of the society.

Rev. Stat.,
c. 258.

Exemptions.

351. The Lieutenant-Governor in Council may exempt from any of the provisions of this Act any society incorporated under *The Co-operative Credit Societies Act* and reincorporated under this Act.

Restrictions
as to taking
money on
deposit or
loaning.

352. No firm, association, or company, incorporated or unincorporated, or corporation shall carry on any business or undertaking which includes the taking of moneys on deposit from members and making loans to members except as authorized by this Part or by any other statute.

Rev. Stat.,
c. 258,
repealed.

2. *The Co-operative Credit Societies Act* being chapter 258 of the Revised Statutes of Ontario, 1937, is repealed.

Commence-
ment of Act.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

4. This Act may be cited as *The Companies Amendment Act, 1939.*

SECTION 349. Self-explanatory.

SECTION 350. This section provides that the corporate powers of all societies incorporated under *The Co-operative Credit Societies Act* now being repealed shall be *ipso facto* forfeited six months from the date of coming into force of this Act, except so far as required for winding-up proceedings.

SECTION 351. This section is complementary to section 350 and permits an exemption from any of the provisions of this Act if the society referred to in the preceding section is reincorporated under this Act.

SECTION 352. This section prohibits the taking of moneys on deposit or the loaning of money to members except as authorized by this Part or any other statute permitting such taking of deposits or loaning of moneys.

1st Reading

March 29th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 62

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Limitations Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 62

1939

BILL

An Act to amend The Limitations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 118, s. 48,
subs. 1, cl. *k*,
re-enacted.

1. Clause *k* of subsection 1 of section 48 of *The Limitations Act* is repealed and the following substituted therefor:

- (*k*) an action upon a covenant contained in an indenture of mortgage or any other instrument made on or after the 1st day of July, 1894, to repay the whole or part of any moneys secured by a mortgage, within ten years after the 1st day of July, 1939, or within ten years after the cause of action arose or within ten years after the date upon which the defendant conveyed or transferred his interest in the mortgaged lands, whichever is later in point of time.

Rev. Stat.,
c. 118, s. 53,
amended.

2. Section 53 of *The Limitations Act* is amended by adding thereto the following subsection:

Application
of section.

- (2) In the case of an action upon a covenant contained in an indenture of mortgage made on or after the 1st day of July, 1939, or upon a covenant contained in any instrument made on or after the 1st day of July, 1939, to pay the whole or part of any moneys secured by a mortgage, this section shall not apply to part payments made on the mortgage or to acknowledgments in writing signed by any person or persons other than the defendant against whom the action on such covenant is brought and any part payments or acknowledgments in writing made by any person or persons other than the defendant against whom the action on such covenant is brought shall not affect the operation of any other section of this Act in relation to such defendant.

Short title.

3. This Act may be cited as *The Limitations Amendment Act, 1939*.

EXPLANATORY NOTES

The amendments to *The Limitations Act* improve the position of a mortgagor who is personally liable on a covenant for payment to the mortgagee but who has sold the mortgaged property and is no longer interested in the ownership thereof.

Under the law as it exists at present, the mortgagee may bring an action against the mortgagor at any time within ten years after the date of the maturity of the mortgage or within ten years after the date of the last payment to the mortgagee on account of the mortgage debt made either by the mortgagor himself or by a purchaser of the mortgaged property. The result frequently has been that a mortgagor who has conveyed away the mortgaged property has been held liable on his covenant to a mortgagee years after the date on which he sold his property and at a time when he has lost control of the whole situation.

The amendments provide that the liability of a mortgagor on the covenant for payment shall cease on the expiration of ten years from the 1st day of July, 1939, ten years from the date of the maturity of the mortgage or ten years from the date on which the mortgagor conveyed to another person his interest in the mortgaged property, whichever is later in point of time, and that the running of the said period of ten years will not be affected or extended by any payments on account of the mortgage debt or acknowledgements of the debt made by the purchaser of the mortgaged property or by anyone other than the defendant against whom the action on the covenant has been brought.

This Bill is complementary to Bill number 63.

An Act to amend The Limitations Act.

1st Reading

March 29th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 62

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Limitations Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Limitations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 118, s. 48,
subs. 1, cl. *k*,
re-enacted.

1.—(1) Clause *k* of subsection 1 of section 48 of *The Limitations Act* is repealed and the following substituted therefor:

- (*k*) an action upon a covenant contained in an indenture of mortgage or any other instrument made on or after the 1st day of July, 1894, to repay the whole or part of any moneys secured by a mortgage, within ten years after the cause of action arose or within ten years after the date upon which the person liable on the covenant conveyed or transferred his interest in the mortgaged lands, whichever is later in point of time.

Rev. Stat.,
c. 118, s. 48,
subs. 1,
amended.

(2) Subsection 1 of the said section 48 is further amended by adding thereto the following clause:

- (*kk*) an action by a mortgagee against a grantee of the equity of redemption under section 17*a* of *The Mortgages Act*, within ten years after the cause of action arose.

Rev. Stat.,
c. 155.

Rev. Stat.,
c. 118, s. 53,
amended.

2. Section 53 of *The Limitations Act* is amended by adding thereto the following subsection:

Application
of section.

- (2) In the case of an action upon a covenant contained in an indenture of mortgage made on or after the 1st day of July, 1939, or upon a covenant contained in any instrument made on or after the 1st day of July, 1939, to pay the whole or part of any moneys secured by a mortgage, this section shall not apply to part payments on the mortgage made by a person other than the person liable on the covenant or to acknowledgments in writing signed by any person other than the person liable on the covenant.

Short title.

3. This Act may be cited as *The Limitations Amendment Act, 1939*.

EXPLANATORY NOTES

The amendments to *The Limitations Act* improve the position of a mortgagor who is personally liable on a covenant for payment to the mortgagee but who has sold the mortgaged property and is no longer interested in the ownership thereof.

Under the law as it exists at present, the mortgagee may bring an action against the mortgagor at any time within ten years after the date of the maturity of the mortgage or within ten years after the date of the last payment to the mortgagee on account of the mortgage debt made either by the mortgagor himself or by a purchaser of the mortgaged property. The result frequently has been that a mortgagor who has conveyed away the mortgaged property has been held liable on his covenant to a mortgagee years after the date on which he sold his property and at a time when he has lost control of the whole situation.

The amendments provide that the liability of a mortgagor on the covenant for payment shall cease on the expiration of ten years from the date of the maturity of the mortgage or ten years from the date on which the mortgagor conveyed to another person his interest in the mortgaged property, whichever is later in point of time, and that the running of the said period of ten years will not be affected or extended by any payments on account of the mortgage debt or acknowledgements of the debt made by the purchaser of the mortgaged property or by anyone other than the defendant against whom the action on the covenant has been brought.

This Bill is complementary to Bill number 63.

An Act to amend The Limitations Act.

1st Reading

March 29th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

MR. CONANT

*(Reprinted as amended by Committee on
Legal Bills.)*

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Limitations Act.

MR. CONANT

BILL

An Act to amend The Limitations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 118, s. 48,
subs. 1, cl. *k*,
re-enacted. **1.**—(1) Clause *k* of subsection 1 of section 48 of *The Limitations Act* is repealed and the following substituted therefor:

(*k*) an action upon a covenant contained in an indenture of mortgage or any other instrument made on or after the 1st day of July, 1894, to repay the whole or part of any moneys secured by a mortgage, within ten years after the cause of action arose or within ten years after the date upon which the person liable on the covenant conveyed or transferred his interest in the mortgaged lands, whichever is later in point of time.

Rev. Stat.,
c. 118, s. 48,
subs. 1,
amended. (2) Subsection 1 of the said section 48 is further amended by adding thereto the following clause:

(*kk*) an action by a mortgagee against a grantee of the equity of redemption under section 17*a* of *The Mortgages Act*, within ten years after the cause of action arose.

Rev. Stat.,
c. 155.

Rev. Stat.,
c. 118, s. 53,
amended. **2.** Section 53 of *The Limitations Act* is amended by adding thereto the following subsection:

Application
of section.

(2) In the case of an action upon a covenant contained in an indenture of mortgage made on or after the 1st day of July, 1939, or upon a covenant contained in any instrument made on or after the 1st day of July, 1939, to pay the whole or part of any moneys secured by a mortgage, this section shall not apply to part payments on the mortgage made by a person other than the person liable on the covenant or to acknowledgments in writing signed by any person other than the person liable on the covenant.

Short title.

3. This Act may be cited as *The Limitations Amendment Act, 1939*.

BILL

An Act to amend The Limitations Act.

1st Reading

March 29th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 26th, 1939

MR. CONANT

No. 63

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Mortgages Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mortgages Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 155, s. 1,
amended.

1. Section 1 of *The Mortgages Act* is amended by adding thereto the following clause:

"Original
mortgagor."

(e) "Original mortgagor" shall mean any person entitled to redeem a mortgage and who by virtue of privity of contract with the mortgagee is personally liable to the mortgagee to pay the whole or any part of the moneys secured by the mortgage.

Rev. Stat.,
c. 155,
amended.

2. *The Mortgages Act* is amended by adding thereto the following section:

Right of
mortgagee
to recover
personal
judgment.

17a.—(1) Notwithstanding any stipulation to the contrary in a mortgage, where a mortgagor has conveyed and transferred the equity of redemption to a grantee under such circumstances that the grantee is by express covenant or otherwise obligated to indemnify the mortgagor with respect to the mortgage, the mortgagee shall have the right to recover from the grantee the amount of the mortgage debt in respect to which the grantee is obligated to indemnify the mortgagor; provided that the right of the mortgagee to recover the amount of the mortgage debt from the grantee of the equity of redemption shall as against such grantee terminate on a grant or transfer of the equity of redemption by the grantee to another person.

Limit of
right of
action.

(2) Where a mortgagee has the right to recover the whole or any part of moneys secured by a mortgage from an original mortgagor and also has a right by virtue of this section to recover from a grantee of the equity of redemption from a mortgagor, if the mortgagee commences an action to recover the amount of the mortgage debt from the original mortgagor, the mortgagee shall thereupon forever cease to have a

EXPLANATORY NOTES

The amendments to *The Mortgages Act* change the law as to the right of a mortgagee to recover personal judgment against a mortgagor on the covenant for payment of the amount of the mortgage debt.

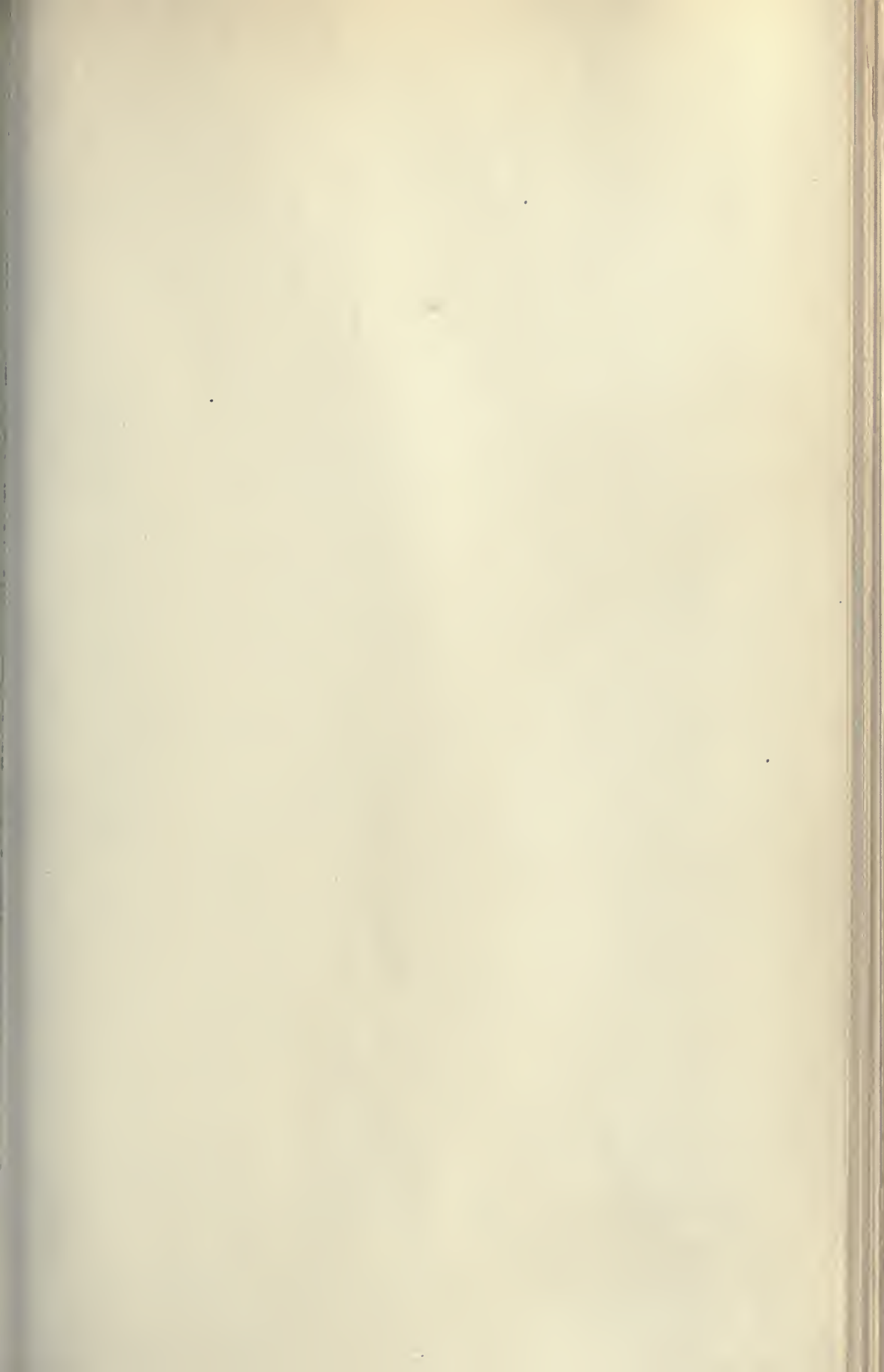
Under the law as it exists at present the mortgagor is personally liable to the mortgagee for the amount of the mortgage debt and the mortgagor remains personally liable to the mortgagee even after the mortgagor has sold the property to a purchaser. Where the mortgagor has sold the property to a purchaser the mortgagor is normally entitled to be indemnified by the purchaser. Thus, if the mortgagee recovers judgment on the covenant for payment against the original mortgagor, the latter in turn may usually recover judgment over against the purchaser of the mortgaged property. Moreover, if the mortgagor is willing to assign to the mortgagee the benefit of his right of indemnification by the purchaser, then the mortgagee may recover personal judgment directly against the purchaser. But, in the absence of an assignment by the mortgagor to the mortgagee of this right of indemnification, the mortgagee can not recover personal judgment for the amount of the mortgage debt against the purchaser.

The amendments confer on the mortgagee the right to recover personal judgment for the amount of the mortgage debt against the purchaser of the mortgaged property who has agreed to assume the mortgage or is otherwise obligated to indemnify the mortgagor as long as the purchaser remains the owner of the mortgaged lands; and this statutory right of action in the mortgagee shall exist as against all subsequent purchasers of the mortgaged property as long as they remain owners thereof. But the mortgagee can not in such a case obtain personal judgments for the amount of the mortgage debt against both the original mortgagor and a purchaser of the mortgaged property. The mortgagee must elect between suing the mortgagor or a purchaser of the mortgaged property and if the mortgagee sues one he can not sue the other.

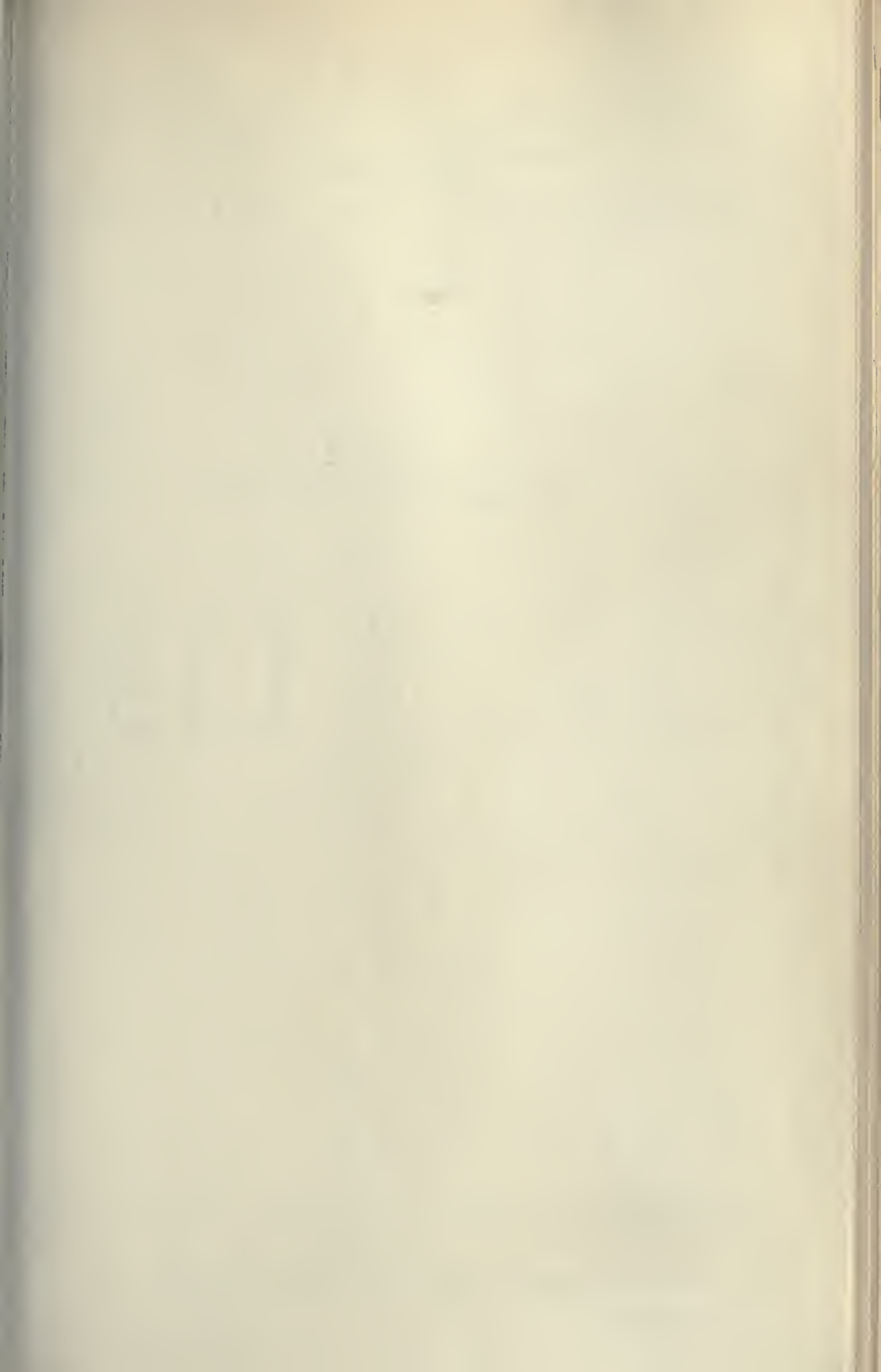
This bill is complementary to bill number 62.

right to recover from a grantee, and if the mortgagee commences an action under this section against a grantee he shall thereupon forever cease to have a right to recover from the original mortgagor.

Short title. **3.** This Act may be cited as *The Mortgages Amendment Act, 1939*.







BILL

An Act to amend The Mortgages Act.

1st Reading

March 29th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 63

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Mortgages Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mortgages Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 155, s. 1,
amended.

1. Section 1 of *The Mortgages Act* is amended by adding thereto the following clause:

"Original
mortgagor."

(e) "Original mortgagor" shall mean any person who by virtue of privity of contract with the mortgagee is personally liable to the mortgagee to pay the whole or any part of the moneys secured by the mortgage.

Rev. Stat.,
c. 155,
amended.

2. *The Mortgages Act* is amended by adding thereto the following section:

Right of
mortgagee
to recover
personal
judgment.

17a.—(1) Notwithstanding any stipulation to the contrary in a mortgage, where a mortgagor has conveyed and transferred the equity of redemption to a grantee under such circumstances that the grantee is by express covenant or otherwise obligated to indemnify the mortgagor with respect to the mortgage, the mortgagee shall have the right to recover from the grantee the amount of the mortgage debt in respect to which the grantee is obligated to indemnify the mortgagor; provided that the right of the mortgagee to recover the amount of the mortgage debt from the grantee of the equity of redemption shall as against such grantee terminate on the registration of a grant or transfer of the equity of redemption by the grantee to another person.

Limit of
right of
action.

(2) Where a mortgagee has the right to recover the whole or any part of moneys secured by a mortgage from an original mortgagor and also has a right by virtue of this section to recover from a grantee of the equity of redemption from a mortgagor, if the mortgagee recovers judgment for the amount of the mortgage debt against the original mortgagor, the mortgagee

EXPLANATORY NOTES

The amendments to *The Mortgages Act* change the law as to the right of a mortgagee to recover personal judgment against a mortgagor on the covenant for payment of the amount of the mortgage debt.

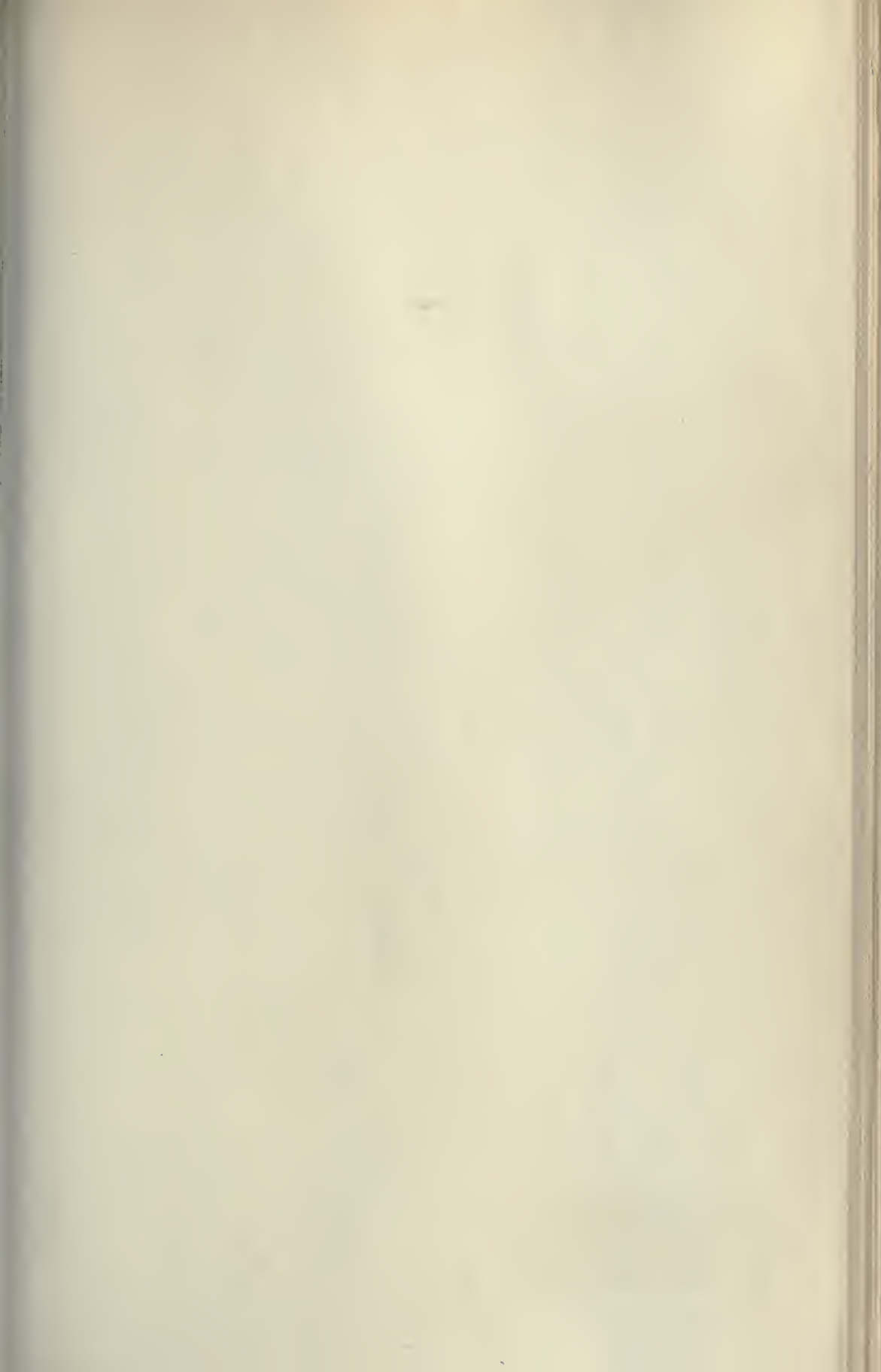
Under the law as it exists at present the mortgagor is personally liable to the mortgagee for the amount of the mortgage debt and the mortgagor remains personally liable to the mortgagee even after the mortgagor has sold the property to a purchaser. Where the mortgagor has sold the property to a purchaser the mortgagor is normally entitled to be indemnified by the purchaser. Thus, if the mortgagee recovers judgment on the covenant for payment against the original mortgagor, the latter in turn may usually recover judgment over against the purchaser of the mortgaged property. Moreover, if the mortgagor is willing to assign to the mortgagee the benefit of his right of indemnification by the purchaser, then the mortgagee may recover personal judgment directly against the purchaser. But, in the absence of an assignment by the mortgagor to the mortgagee of this right of indemnification, the mortgagee can not recover personal judgment for the amount of the mortgage debt against the purchaser.

The amendments confer on the mortgagee the right to recover personal judgment for the amount of the mortgage debt against the purchaser of the mortgaged property who has agreed to assume the mortgage or is otherwise obligated to indemnify the mortgagor as long as the purchaser remains the owner of the mortgaged lands; and this statutory right of action in the mortgagee shall exist as against all subsequent purchasers of the mortgaged property as long as they remain owners thereof. But the mortgagee can not in such a case obtain personal judgments for the amount of the mortgage debt against both the original mortgagor and a purchaser of the mortgaged property. The mortgagee must elect between obtaining judgment against the mortgagor or a purchaser of the mortgaged property.

This bill is complementary to bill number 62.

shall thereupon forever cease to have a right to recover under this section from a grantee, and if the mortgagee recovers judgment under this section against a grantee he shall thereupon forever cease to have a right to recover from the original mortgagor; provided that where there is more than one original mortgagor this section shall not affect the right of a mortgagee after the recovery of judgment against one original mortgagor to recover judgment against the other original mortgagor or mortgagors.

Short title. **3.** This Act may be cited as *The Mortgages Amendment Act, 1939*.



An Act to amend The Mortgages Act.

1st Reading

March 29th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

MR. CONANT

*(Reprinted as amended by Committee on
Legal Bills.)*

No. 63

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

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Right of
mortgagee
to recover
personal
judgment.

17a.—(1) Notwithstanding any stipulation to the contrary in a mortgage, where a mortgagor has conveyed and transferred the equity of redemption to a grantee under such circumstances that the grantee is by express covenant or otherwise obligated to indemnify the mortgagor with respect to the mortgage, the mortgagee shall have the right to recover from the grantee the amount of the mortgage debt in respect to which the grantee is obligated to indemnify the mortgagor; provided that the right of the mortgagee to recover the amount of the mortgage debt under this section from the grantee of the equity of redemption shall as against such grantee terminate on the registration of a grant or transfer of the equity of redemption by such grantee to another person unless prior to such registration an action has been commenced to enforce the right of the mortgagee.

Limit of
right of
action.

(2) Where a mortgagee has the right to recover the whole or any part of moneys secured by a mortgage from an original mortgagor and also has a right by virtue of this section to recover from a grantee of the equity of redemption from a mortgagor, if the mortgagee recovers judgment for the amount of the mortgage debt against the original mortgagor, the mortgagee shall thereupon forever cease to have a right to recover under this section from a grantee, and if the mortgagee recovers judgment under this section against a grantee he shall thereupon forever cease to have a right to recover from the original mortgagor; provided that where there is more than one original mortgagor this section shall not affect the right of a

mortgagee after the recovery of judgment against one original mortgagor to recover judgment against the other original mortgagor or mortgagors.

- (3) In this section "original mortgagor" shall mean any "Original mortgagor", person who by virtue of privity of contract with the mortgagee is personally liable to the mortgagee to pay the whole or any part of the moneys secured by the mortgage.

2. This Act may be cited as *The Mortgages Amendment* Short title.
Act, 1939.

An Act to amend The Mortgages Act.

1st Reading

March 29th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 26th, 1939

MR. CONANT

No. 64

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting Collection Agencies.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Collection Agencies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

"Collection
agency."

(a) "Collection agency" shall mean every person other than a collector who carries on the business of collecting debts for other persons by taking assignments of debts, or otherwise, in consideration of the payment of a commission or other remuneration;

"Collector."

(b) "Collector" shall mean a person employed, appointed or authorized by any collection agency to solicit business or collect debts for such agency;

"Commis-
sion."

(c) "Commission" shall mean the Ontario Securities Commission;

"Pre-
scribed."

(d) "Prescribed" shall mean prescribed by this Act or the regulations;

"Regula-
tions."

(e) "Regulations" shall mean regulations made under this Act;

"Registrar."

(f) "Registrar" shall mean the person designated by the Commission to act as registrar for the purposes of this Act and the regulations.

Commission
to adminis-
ter Act.

2. The Commission shall administer this Act and the regulations and may designate a person to act as registrar.

Agency and
collector
to be
licensed.

3. No person shall engage in the business of a collection agency or as a collector unless he is licensed under this Act.

EXPLANATORY NOTES

GENERAL. This Bill rearranges the sections of the Act and provides for the licensing of collectors as well as collection agencies and for the bonding of collection agencies.

SECTION 1. The definitions of "Commission," "Collector" and "Registrar" have been added to the terms defined and the definition of "Collection agency" has been simplified. See section 4 of this bill which in effect qualifies the definitions of "Collection agency" and "Collector."

SECTION 2. This section provides that the Ontario Securities Commission shall administer the Act and may designate a registrar.

SECTION 3. This section requires that a collection agency and a collector shall be licensed.

Saving as
to legal
professions,
insurance
agents, and
trustees in
bankruptcy,
etc.

4. This Act shall not apply to,—

- (a) any barrister or solicitor or his employee, in the regular practice of his profession;
- (b) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such license;
- (c) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-Up Act* (Canada) or any person acting under the order of any court; or
- (d) any isolated collections made by a person whose usual business is not collecting debts for other persons.

Rev. Stat.,
c. 256.

R.S.C.,
c. 11.

Rev. Stat.,
cc. 251, 100.

R.S.C.,
c. 213.

Application
for license
as collection
agency.

5.—(1) Every application for a license as a collection agency shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,—

- (a) the prescribed fee;
- (b) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts; and
- (c) copies of forms and letters which such collection agency uses or proposes to use in making demands for the collection of money.

Changes in
material
filed.

(2) In the event that any collection agency alters or changes any form of agreement or other form or letter such collection agency shall file the form or letter showing the alteration or change made therein with the registrar at least fourteen days before such form or letter is used.

Application
for license
as col-
lector.

6. Every application for a license as a collector shall be made to the registrar upon the form provided by the registrar, and shall be accompanied by the prescribed fee and such other information as the registrar may require.

Licenses.

7.—(1) The Commission, upon the recommendation of the registrar, may issue a license to any person for carrying on business as a collection agency or a collector and every license and renewal shall expire on the 31st day of March following the issue, of the license or renewal.

SECTION 4. This section exempts members of the legal profession, persons licensed under *The Insurance Act* and assignees, custodians, receivers, liquidators, trustees and persons acting under the order of any court from the provisions of the Act.

SECTION 5.—Subsection 1 of this section provides for the material to be filled with the registrar on an application for a license as a collection agency.

Subsection 2 of this service provides for reporting any alteration or change in the material filed.

SECTION 6. This section provides for the material to be filed by an applicant for a collector's license.

SECTION 7.—Subsection 1 of this section provides for the issuing of licenses by the Commission and that licenses and renewals shall expire on the 31st day of March in each year.

Renewal of
license.

(2) Any license issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such license or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a license or any prior application for renewal.

License may
be refused.

(3) The Commission may refuse to issue or renew a license and may suspend or cancel any license.

Refunds.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a license or renewal any fee or part thereof paid by the applicant.

Reductions.

(5) The registrar may reduce the amount of any fee payable for a license or renewal where any substantial part of the license period or renewal period has elapsed.

Changes in
information
filed.

8.—(1) Every collection agency shall within ten days notify the registrar in writing of,—

- (a) any change in its address for service;
- (b) any change in its officials or members; and
- (c) the commencement and termination of employment of every collector.

Notice as to
employment.

(2) Every collector shall within ten days, notify the registrar in writing of,—

- (a) any change in his address for service; and
- (b) the commencement and termination of his employment by a collection agency.

Financial
statement
to be filed.

9. Every collection agency shall file with the registrar with every application for a renewal of a license, a certificate satisfactory to the Commission as to the financial condition of the collection agency, signed by the proprietor or an official or member of the collection agency and by an independent accountant satisfactory to the Commission, and, in addition thereto, the Commission may at any time require a financial statement in any form to be furnished by the collection agency.

Bond.

10. The Commission may require any collection agency to give a bond to the Commission in such form and for such amount as the Commission may deem necessary.

Forfeit
of bond.

11.—(1) Any bond given to the Commission by a collection agency shall be forfeit and the sum named therein shall become due and owing by the person bound thereby as a debt

Subsection 2 of this section provides for the renewal of licenses.

Subsection 3 of this section provides that the Commission may refuse to grant or renew a license and may cancel or suspend a license.

Subsection 4 of this section provides for a refund when an application for a license is refused.

Subsection 5 of this section provides for a reduction in the amount of fees payable when part of the license or renewal period has expired.

SECTION 8. Subsection 1 of this section requires a collection agency to notify the registrar of any change in its address and its officials or members, and the commencement and termination of the employment of its collectors.

Subsection 2 of this section requires a collector to notify the registrar of any change of address and the commencement and termination of his employment.

SECTION 9. This section provides for the filing of a financial statement.

SECTION 10. This section provides that a Commissioner may require a collection agency to be bonded.

SECTION 11.—Subsection 1 of this section provides the conditions upon which a bond shall be forfeited.

to His Majesty in right of Ontario when the collection agency in respect of which the bond is given or any collector or other official of the collection agency has in connection with its collection business been,—

- (a) convicted of any criminal offence;
- (b) convicted of an offence against any provision of this Act or the regulations; or
- (c) a party to civil proceedings in the courts as a result of which final judgment has been given against such collection agency, collector or other official for failure to account for moneys collected for any other person.

Assignment
of bond or
payment of
moneys to
creditor.

(2) The Commission may assign any bond forfeited or may pay over any moneys recovered thereunder to any person entitled to any moneys from the collection agency, collector or official of the collection agency in accordance with and upon conditions set forth in the regulations or in any special order of the Lieutenant-Governor in Council.

Disposition
of fees.

12. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario and they shall form part of the Consolidated Revenue Fund.

Agency to
account
within
30 days.

13.—(1) Every collection agency shall without any notice or demand, within thirty days after the receipt of any moneys collected, account for all moneys so received and pay them, less the proper fees of such collection agency, to the person entitled thereto, provided that when the moneys collected are less than \$5 payment to the person entitled thereto shall be made within ninety days.

Agency on
demand to
account.

(2) Every collection agency shall upon demand made by any person entitled to an accounting, or by the Commission, account for all moneys received on behalf of such person and pay the moneys, less the proper fees of such collection agency, to such person.

Moneys
collected
to be
deposited.

14. Every collection agency shall deposit all moneys collected less the proper earned commission of the collection agency in a separate trust account, in a chartered bank, a Province of Ontario Savings Office or a trust company authorized by law to accept deposits.

Books of
account.

15. Every collection agency shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, client's ledger and journal.

Subsection 2 of this section provides for the disposition of money forfeited under a bond and for the assignment of a bond.

SECTION 12. This section provides that the registrar shall pay all moneys received in respect of fees into the Consolidated Revenue Fund.

SECTION 13. Subsection 1 of this section provides that every collection agency shall account for all moneys received within thirty days.

Subsection 2 of this section provides that every collection agency shall account for all moneys received on demand.

SECTION 14. Requires that moneys collected shall be deposited in a separate trust account.

SECTION 15. This section requires the keeping of records and books

Additional
charges or
telegrams
prohibited.

16. No collection agency or collector shall,—

- (a) collect or attempt to collect any moneys in addition to the amount owing by the debtor;
- (b) make any charge against any person for whom it acts in addition to those contained in the form of agreement or in the information pertaining to fees filed with the Commission;
- (c) send any telegram for which the charges are payable by the addressee to a debtor for the purpose of demanding payment of any debt;
- (d) ^T_A enter into any agreement with a person for whom the collection agency acts unless a copy of the form of such agreement is filed with the registrar; or
- (e) use any form or letter to collect or attempt to collect money from a debtor unless a copy of such form or form of letter is filed with the registrar.

Notice as
to moneys
collected.

17. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment.

Investiga-
tion by
Commission.

18. The registrar, or such other person as may be directed in writing by the Commission, shall have authority at any time between nine o'clock in the forenoon and five o'clock in the afternoon to enter the premises of any collection agency and examine the books and records of such collection agency.

License
to be
displayed.

19. Every collection agency shall keep its license and the last renewal thereof displayed in a conspicuous place at its office and shall keep every license for a branch office together with the last renewal thereof displayed in a conspicuous place at such branch office.

Regulations.

20. The Lieutenant-Governor in Council, upon the recommendation of the Commission, may make regulations,—

- (a) prescribing the form of licenses and renewals and applications therefor;
- (b) prohibiting the use of any particular method in the collection of debts;
- (c) requiring collection agencies to make returns and furnish information to the Commission;

SECTION 16. It is provided that no collection agency or collector shall,—

- (a) attempt to collect moneys in addition to the amount of money owing by the debtor;
- (b) make any charges in addition to those contained in the agreement with the creditor;
- (c) send a "collect" telegram to a debtor.
- (d) enter into any agreement with a person for the collection of debts for such person unless a copy of the form of such agreement is filed with the registrar.
- (e) use any form or letter for the collection of debts unless a copy of the form of such letter or form is filed with the registrar.

SECTION 17. This section requires a collector to notify a collection agency when moneys have been collected.

SECTION 18. This section authorizes the registrar to enter the premises and examine the books and records of a collection agency.

SECTION 19. This section requires the license to be displayed in a conspicuous place.

SECTION 20. This section provides for the making of regulations.

- (d) prescribing the manner of making deposits and regulating the control and disposition thereof;
- (e) governing the keeping of records, books, accounting systems and audits; and
- (f) generally for the better carrying out of the provisions of this Act.

Penalty for
employing
unlicensed
agency.

21. Every person who knowingly employs a collection agency not having a license as required by this Act, or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by a collection agency not having such a license, shall be guilty of an offence and liable to a penalty of not less than \$50 nor more than \$200.

Penalties.

22. Every collection agency or collector who violates any of the provisions of this Act or the regulations for which no other penalty is provided or who fails or neglects to carry out any order or direction of the Commission made under this Act shall be guilty of an offence and liable to a penalty of not less than \$50 nor more than \$200.

Consent
before
action.

23. No proceedings under this Act shall be instituted except with the consent or under the direction of the Commission.

Application
of Rev. Stat.,
c. 136.

24. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Fees.

25. The following fees shall be paid to the registrar:

- (a) For a license of a collection agency whose principal or head office is outside of Canada and for every renewal of such a license.....\$50.00
- (b) For a license of a collection agency whose principal or head office is in Canada.....\$10.00
- (c) For a renewal of a license issued under clause *b* when the average monthly gross commissions for the six months prior to the application for such a renewal have been in excess of \$150 per month..... 25.00
- (d) For a renewal of a license granted under clause *b* when the average monthly gross commissions for the six months

SECTION 21. This section provides a penalty for employing an unlicensed collection agency.

SECTION 22. This section provides that a collection agency or collector who violates the provisions of the Act or the regulations or any order or direction of the Commission shall be liable to a penalty.

SECTION 23. This section provides that no action shall be instituted without the consent of the Commissioner.

SECTION 24. This section provides that penalties shall be recoverable under *The Summary Convictions Act*.

SECTION 25. This section provides for the amount of the fees that shall be paid to the registrar for licenses and renewals of licenses.

- prior to the application for such a renewal have been \$150 or less per month..... 10.00
- (e) For a license as a collector and for every renewal of such a license..... 3.00
- (f) For a license of a branch office, including a license of a manager of such branch office, and for every renewal of such a license..... 5.00
- (g) Upon every notice of any alteration or change required to be filed with the registrar..... 1.00

Rev. Stat.,
c. 249,
repealed.

26. *The Collection Agencies Act*, being chapter 249 of the Revised Statutes of Ontario, 1937, is repealed.

Short title.

27. This Act may be cited as *The Collection Agencies Act*, 1939.

SECTION 26. This section repeals the former Act.

BILL

An Act respecting Collection Agencies.

1st Reading

March 29th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 64

3RD SESSION, 20TH LEGISLATURE, ONTARIO
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1. In this Act,—

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- (a) "Collection agency" shall mean every person other than a collector who carries on the business of collecting debts for other persons by taking assignments of debts, or otherwise, in consideration of the payment of a commission or other remuneration;

"Collector."

- (b) "Collector" shall mean a person employed, appointed or authorized by any collection agency to solicit business or collect debts for such agency;

"Commis-
sion."

- (c) "Commission" shall mean the Ontario Securities Commission;

"Pre-
scribed."

- (d) "Prescribed" shall mean prescribed by this Act or the regulations;

"Regula-
tions."

- (e) "Regulations" shall mean regulations made under this Act;

"Registrar."

- (f) "Registrar" shall mean the person designated by the Commission to act as registrar for the purposes of this Act and the regulations.

Commission
to adminis-
ter Act.

2. The Commission shall administer this Act and the regulations and may designate a person to act as registrar.

Agency and
collector
to be
licensed.

3. No person shall engage in the business of a collection agency or as a collector unless he is licensed under this Act.

EXPLANATORY NOTES

GENERAL. This Bill rearranges the sections of the Act and provides for the licensing of collectors as well as collection agencies and for the bonding of collection agencies.

SECTION 1. The definitions of "Commission," "Collector" and "Registrar" have been added to the terms defined and the definition of "Collection agency" has been simplified. See section 4 of this bill which in effect qualifies the definitions of "Collection agency" and "Collector."

SECTION 2. This section provides that the Ontario Securities Commission shall administer the Act and may designate a registrar.

SECTION 3. This section requires that a collection agency and a collector shall be licensed.

Saving as to legal professions, insurance agents, and trustees in bankruptcy, etc.

Rev. Stat.
c. 256.

R.S.C.,
c. 11.

Rev. Stat.,
cc. 251, 100.

R.S.C.,
c. 213.

Rev. Stat.,
c. 247.

Rev. Stat.,
c. 257.

Application for license as collection agency.

Changes in material filed.

4. This Act shall not apply to,—

- (a) any barrister or solicitor or his employee, in the regular practice of his profession;
- (b) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such license;
- (c) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-Up Act* (Canada) or any person acting under the order of any court;
- (d) any real estate broker or salesman registered under *The Real Estate Brokers Act* or any official or other employee of any such real estate broker to the extent of the business authorized by such registration;
- (e) any bank to which the *Bank Act* (Canada) applies, or Province of Ontario savings office, or loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or to employees thereof in the regular course of their employment; or
- (f) any isolated collections made by a person whose usual business is not collecting debts for other persons.

5.—(1) Every application for a license as a collection agency shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,—

- (a) the prescribed fee;
 - (b) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts;
 - (c) copies of forms and letters which such collection agency uses or proposes to use in making demands for the collection of money; and
 - (d) a bond in the amount and form prescribed by the regulations.
- (2) In the event that any collection agency alters or changes any form of agreement or other form or letter such collection agency shall file the form or letter showing the alteration or change made therein with the registrar at least fourteen days before such form or letter is used.

SECTION 4. This section exempts members of the legal profession, persons licensed under *The Insurance Act* and assignees, custodians, receivers, liquidators, trustees and persons acting under the order of any court from the provisions of the Act.

SECTION 5.—Subsection 1 of this section provides for the material to be filled with the registrar on an application for a license as a collection agency.

Subsection 2 of this service provides for reporting any alteration or change in the material filed.

Application
for license
as col-
lector.

6. Every application for a license as a collector shall be made to the registrar upon the form provided by the registrar, and shall be accompanied by the prescribed fee and such other information as the registrar may require.

Licenses.

7.—(1) The Commission, upon the recommendation of the registrar, may issue a license to any person for carrying on business as a collection agency or a collector and every license and renewal shall expire on the 31st day of March following the issue, of the license or renewal.

Renewal of
license.

(2) Any license issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such license or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a license or any prior application for renewal.

License may
be refused.

(3) The Commission may refuse to issue or renew a license and may suspend or cancel any license.

Refunds.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a license or renewal any fee or part thereof paid by the applicant.

Reductions.

(5) The registrar may reduce the amount of any fee payable for a license or renewal where any substantial part of the license period or renewal period has elapsed.

Changes in
information
filed.

8.—(1) Every collection agency shall within ten days notify the registrar in writing of,—

- (a) any change in its address for service;
- (b) any change in its officials or members; and
- (c) the commencement and termination of employment of every collector.

Notice as to
employment.

(2) Every collector shall within ten days, notify the registrar in writing of,—

- (a) any change in his address for service; and
- (b) the commencement and termination of his employment by a collection agency.

Financial
statement
to be filed.

9. Every collection agency shall file with the registrar with every application for a renewal of a license, a certificate satisfactory to the Commission as to the financial condition of the collection agency, signed by the proprietor or an official or member of the collection agency and by an independent

SECTION 6. This section provides for the material to be filed by an applicant for a collector's license.

SECTION 7.—Subsection 1 of this section provides for the issuing of licenses by the Commission and that licenses and renewals shall expire on the 31st day of March in each year.

Subsection 2 of this section provides for the renewal of licenses.

Subsection 3 of this section provides that the Commission may refuse to grant or renew a license and may cancel or suspend a license.

Subsection 4 of this section provides for a refund when an application for a license is refused.

Subsection 5 of this section provides for a reduction in the amount of fees payable when part of the license or renewal period has expired.

SECTION 8. Subsection 1 of this section requires a collection agency to notify the registrar of any change in its address and its officials or members, and the commencement and termination of the employment of its collectors.

Subsection 2 of this section requires a collector to notify the registrar of any change of address and the commencement and termination of his employment.

SECTION 9. This section provides for the filing of a financial statement.

accountant satisfactory to the Commission, and, in addition thereto, the Commission may at any time require a financial statement in any form to be furnished by the collection agency.

Bond.

10. Every collection agency shall furnish a bond in the amount and form prescribed by the regulations.

Forfeit
of bond.

11.—(1) Any bond given to the Commission by a collection agency shall be forfeit and the sum named therein shall become due and owing by the person bound thereby as a debt to His Majesty in right of Ontario when the collection agency in respect of which the bond is given or any collector or other official of the collection agency has in connection with its collection business been,—

- (a) convicted of any criminal offence;
- (b) convicted of an offence against any provision of this Act or the regulations; or
- (c) a party to civil proceedings in the courts as a result of which final judgment has been given against such collection agency, collector or other official for moneys collected for any other person.

Assignment
of bond or
payment of
moneys to
creditor.

(2) The Commission may assign any bond forfeited or may pay over any moneys recovered thereunder to any person entitled to any moneys from the collection agency, collector or official of the collection agency in accordance with and upon conditions set forth in the regulations or in any special order of the Lieutenant-Governor in Council.

Disposition
of fees.

12. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario and they shall form part of the Consolidated Revenue Fund.

Agency to
account
within
30 days.

13.—(1) Every collection agency shall without any notice or demand, within thirty days after the receipt of any moneys collected, account for all moneys so received and pay them, less the proper fees of such collection agency, to the person entitled thereto, provided that when the moneys collected are less than \$5 payment to the person entitled thereto shall be made within ninety days.

Agency on
demand to
account.

(2) Every collection agency shall upon demand made by any person entitled to an accounting, or by the Commission, account for all moneys received on behalf of such person and pay the moneys, less the proper fees of such collection agency, to such person.

SECTION 10. This section provides that a Commissioner may require a collection agency to be bonded.

SECTION 11.—Subsection 1 of this section provides the conditions upon which a bond shall be forfeited.

Subsection 2 of this section provides for the disposition of money forfeited under a bond and for the assignment of a bond.

SECTION 12. This section provides that the registrar shall pay all moneys received in respect of fees into the Consolidated Revenue Fund.

SECTION 13. Subsection 1 of this section provides that every collection agency shall account for all moneys received within thirty days.

Subsection 2 of this section provides that every collection agency shall account for all moneys received on demand.

Where
person
entitled to
money
cannot be
located.

(3) Where any collection agency is unable to locate the person entitled to any moneys collected by it within six months after such moneys have been collected, the collection agency shall cause such moneys to be paid to the Treasurer of Ontario and the Treasurer of Ontario may pay any such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys.

Moneys
collected
to be
deposited.

14. Every collection agency shall deposit all moneys collected less the proper earned commission of the collection agency in a separate trust account, in a chartered bank, a Province of Ontario Savings Office or a trust company authorized by law to accept deposits.

Books of
account.

15. Every collection agency shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, client's ledger and journal.

Additional
charges or
telegrams
prohibited.

16. No collection agency or collector shall,—

- (a) collect or attempt to collect any moneys in addition to the amount owing by the debtor;
- (b) make any charge against any person for whom it acts in addition to those contained in the form of agreement or in the information pertaining to fees filed with the Commission;
- (c) send any telegram for which the charges are payable by the addressee to a debtor for the purpose of demanding payment of any debt;
- (d) enter into any agreement with a person for whom the collection agency acts unless a copy of the form of such agreement is filed with the registrar; or
- (e) use any form or letter to collect or attempt to collect money from a debtor unless a copy of such form or form of letter is filed with the registrar.

Notice as
to moneys
collected.

17. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment.

Investiga-
tion by
Commission.

18. The registrar, or such other person as may be directed in writing by the Commission, shall have authority at any time between nine o'clock in the forenoon and five o'clock in the afternoon to enter the premises of any collection agency and examine the books and records of such collection agency.

SECTION 14. Requires that moneys collected shall be deposited in a separate trust account.

SECTION 15. This section requires the keeping of records and books.

SECTION 16. It is provided that no collection agency or collector shall,—

- (a) attempt to collect moneys in addition to the amount of money owing by the debtor;
- (b) make any charges in addition to those contained in the agreement with the creditor;
- (c) send a "collect" telegram to a debtor.
- (d) enter into any agreement with a person for the collection of debts for such person unless a copy of the form of such agreement is filed with the registrar.
- (e) use any form or letter for the collection of debts unless a copy of the form of such letter or form is filed with the registrar.

SECTION 17. This section requires a collector to notify a collection agency when moneys have been collected.

SECTION 18. This section authorizes the registrar to enter the premises and examine the books and records of a collection agency.

License
to be
displayed.

19. Every collection agency shall keep its license and the last renewal thereof displayed in a conspicuous place at its office and shall keep every license for a branch office together with the last renewal thereof displayed in a conspicuous place at such branch office.

Regulations.

20. The Lieutenant-Governor in Council, upon the recommendation of the Commission, may make regulations,—

- (a) prescribing the form of licenses and renewals and applications therefor;
- (b) prohibiting the use of any particular method in the collection of debts;
- (c) requiring collection agencies to make returns and furnish information to the Commission;
- (d) prescribing the manner of making deposits and regulating the control and disposition thereof;
- (e) governing the keeping of records, books, accounting systems and audits;
- (f) prescribing the amount and form of bonds to be furnished by collection agencies; and
- (g) generally for the better carrying out of the provisions of this Act.

Penalty for
employing
unlicensed
agency.

21. Every person who knowingly employs a collection agency not having a license as required by this Act, or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by a collection agency not having such a license, shall be guilty of an offence and liable to a penalty of not more than \$200.

Penalties.

22. Every collection agency or collector who violates any of the provisions of this Act or the regulations for which no other penalty is provided or who fails or neglects to carry out any order or direction of the Commission made under this Act shall be guilty of an offence and liable to a penalty of not more than \$200.

Consent
before
action.

23. No proceedings under this Act shall be instituted except with the consent or under the direction of the Commission.

Application
of Rev. Stat.,
c. 136.

24. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Fees.

25. The following fees shall be paid to the registrar:

SECTION 19. This section requires the license to be displayed in a conspicuous place.

SECTION 20. This section provides for the making of regulations.

SECTION 21. This section provides a penalty for employing an unlicensed collection agency.

SECTION 22. This section provides that a collection agency or collector who violates the provisions of the Act or the regulations or any order or direction of the Commission shall be liable to a penalty.

SECTION 23. This section provides that no action shall be instituted without the consent of the Commissioner.

SECTION 24. This section provides that penalties shall be recoverable under *The Summary Convictions Act*.

SECTION 25. This section provides for the amount of the fees that shall be paid to the registrar for licenses and renewals of licenses.

- (a) For a license of a collection agency whose principal or head office is outside of Canada and for every renewal of such a license.....\$50.00
- (b) For a license of a collection agency whose principal or head office is in Canada..... 10.00
- (c) For a renewal of a license issued under clause *b* when the average monthly gross commissions for the six months prior to the application for such a renewal have been in excess of \$150 per month..... 25.00
- (d) For a renewal of a license granted under clause *b* when the average monthly gross commissions for the six months prior to the application for such a renewal have been \$150 or less per month..... 10.00
- (e) For a license as a collector and for every renewal of such a license..... 3.00
- (f) For a license of a branch office, including a license of a manager of such branch office, and for every renewal of such a license..... 5.00
- (g) Upon every notice of any alteration or change required to be filed with the registrar..... 1.00

Rev. Stat.,
c. 249,
repealed.

26. *The Collection Agencies Act*, being chapter 249 of the Revised Statutes of Ontario, 1937, is repealed.

Short title.

27. This Act may be cited as *The Collection Agencies Act*, 1939.

SECTION 26. This section repeals the former Act.

BILL

An Act respecting Collection Agencies.

1st Reading

March 29th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

MR. CONANT

(*Reprinted as amended in Committee of the
Whole House.*)

No. 64

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting Collection Agencies.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Collection Agencies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

"Collection
agency."

- (a) "Collection agency" shall mean every person other than a collector who carries on the business of collecting debts for other persons by taking assignments of debts, or otherwise, in consideration of the payment of a commission or other remuneration;

"Collector."

- (b) "Collector" shall mean a person employed, appointed or authorized by any collection agency to solicit business or collect debts for such agency;

"Commis-
sion."

- (c) "Commission" shall mean the Ontario Securities Commission;

"Pre-
scribed."

- (d) "Prescribed" shall mean prescribed by this Act or the regulations;

"Regula-
tions."

- (e) "Regulations" shall mean regulations made under this Act;

"Registrar."

- (f) "Registrar" shall mean the person designated by the Commission to act as registrar for the purposes of this Act and the regulations.

Commission
to adminis-
ter Act.

2. The Commission shall administer this Act and the regulations and may designate a person to act as registrar.

Agency and
collector
to be
licensed.

3. No person shall engage in the business of a collection agency or as a collector unless he is licensed under this Act.

4. This Act shall not apply to,—

- (a) any barrister or solicitor or his employee, in the regular practice of his profession; Saving as to legal professions, insurance agents, and trustees in bankruptcy, etc.
- (b) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such license; Rev. Stat. c. 256.
- (c) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-Up Act* (Canada) or any person acting under the order of any court; R.S.C., c. 11.
Rev. Stat., cc. 251, 100.
R.S.C., c. 213.
- (d) any real estate broker or salesman registered under *The Real Estate Brokers Act* or any official or other employee of any such real estate broker to the extent of the business authorized by such registration; Rev. Stat., c. 247.
- (e) any bank to which the *Bank Act* (Canada) applies, or Province of Ontario savings office, or loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or to employees thereof in the regular course of their employment; or Rev. Stat., c. 257.
- (f) any isolated collections made by a person whose usual business is not collecting debts for other persons.

5.—(1) Every application for a license as a collection agency shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,— Application for license as collection agency.

- (a) the prescribed fee;
- (b) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts;
- (c) copies of forms and letters which such collection agency uses or proposes to use in making demands for the collection of money; and
- (d) a bond in the amount and form prescribed by the regulations.

(2) In the event that any collection agency alters or changes any form of agreement or other form or letter such collection agency shall file the form or letter showing the alteration or change made therein with the registrar at least fourteen days before such form or letter is used. Changes in material filed.

Application
for license
as col-
lector.

6. Every application for a license as a collector shall be made to the registrar upon the form provided by the registrar, and shall be accompanied by the prescribed fee and such other information as the registrar may require.

Licenses.

7.—(1) The Commission, upon the recommendation of the registrar, may issue a license to any person for carrying on business as a collection agency or a collector and every license and renewal shall expire on the 31st day of March following the issue of the license or renewal.

Renewal of
license.

(2) Any license issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such license or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a license or any prior application for renewal.

License may
be refused.

(3) The Commission may refuse to issue or renew a license and may suspend or cancel any license.

Refunds.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a license or renewal any fee or part thereof paid by the applicant.

Reductions.

(5) The registrar may reduce the amount of any fee payable for a license or renewal where any substantial part of the license period or renewal period has elapsed.

Changes in
information
filed.

8.—(1) Every collection agency shall within ten days notify the registrar in writing of,—

- (a) any change in its address for service;
- (b) any change in its officials or members; and
- (c) the commencement and termination of employment of every collector.

Notice as to
employment.

(2) Every collector shall within ten days, notify the registrar in writing of,—

- (a) any change in his address for service; and
- (b) the commencement and termination of his employment by a collection agency.

Financial
statement
to be filed.

9. Every collection agency shall file with the registrar with every application for a renewal of a license, a certificate satisfactory to the Commission as to the financial condition of the collection agency, signed by the proprietor or an official or member of the collection agency and by an independent

accountant satisfactory to the Commission, and, in addition thereto, the Commission may at any time require a financial statement in any form to be furnished by the collection agency.

10. Every collection agency shall furnish a bond in the amount and form prescribed by the regulations. ^{Bond.}

11.—(1) Any bond given to the Commission by a collection agency shall be forfeit and the sum named therein shall become due and owing by the person bound thereby as a debt to His Majesty in right of Ontario when the collection agency in respect of which the bond is given or any collector or other official of the collection agency has in connection with its collection business been,— ^{Forfeit of bond.}

a) convicted of any criminal offence;

(b) convicted of an offence against any provision of this Act or the regulations; or

(c) a party to civil proceedings in the courts as a result of which final judgment has been given against such collection agency, collector or other official for moneys collected for any other person.

(2) The Commission may assign any bond forfeited or may pay over any moneys recovered thereunder to any person entitled to any moneys from the collection agency, collector or official of the collection agency in accordance with and upon conditions set forth in the regulations or in any special order of the Lieutenant-Governor in Council. ^{Assignment of bond or payment of moneys to creditor.}

12. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario and they shall form part of the Consolidated Revenue Fund. ^{Disposition of fees.}

13.—(1) Every collection agency shall without any notice or demand, within thirty days after the receipt of any moneys collected, account for all moneys so received and pay them, less the proper fees of such collection agency, to the person entitled thereto, provided that when the moneys collected are less than \$5 payment to the person entitled thereto shall be made within ninety days. ^{Agency to account within 30 days.}

(2) Every collection agency shall upon demand made by any person entitled to an accounting, or by the Commission, account for all moneys received on behalf of such person and pay the moneys, less the proper fees of such collection agency, to such person. ^{Agency on demand to account.}

Where person entitled to money cannot be located.

(3) Where any collection agency is unable to locate the person entitled to any moneys collected by it within six months after such moneys have been collected, the collection agency shall cause such moneys to be paid to the Treasurer of Ontario and the Treasurer of Ontario may pay any such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys.

Moneys collected to be deposited.

14. Every collection agency shall deposit all moneys collected less the proper earned commission of the collection agency in a separate trust account, in a chartered bank, a Province of Ontario Savings Office or a trust company authorized by law to accept deposits.

Books of account.

15. Every collection agency shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, client's ledger and journal.

Additional charges or telegrams prohibited.

16. No collection agency or collector shall,—

- (a) collect or attempt to collect any moneys in addition to the amount owing by the debtor;
- (b) make any charge against any person for whom it acts in addition to those contained in the form of agreement or in the information pertaining to fees filed with the Commission;
- (c) send any telegram for which the charges are payable by the addressee to a debtor for the purpose of demanding payment of any debt;
- (d) enter into any agreement with a person for whom the collection agency acts unless a copy of the form of such agreement is filed with the registrar; or
- (e) use any form or letter to collect or attempt to collect money from a debtor unless a copy of such form or form of letter is filed with the registrar.

Notice as to moneys collected.

17. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment.

Investigation by Commission.

18. The registrar, or such other person as may be directed in writing by the Commission, shall have authority at any time between nine o'clock in the forenoon and five o'clock in the afternoon to enter the premises of any collection agency and examine the books and records of such collection agency.

19. Every collection agency shall keep its license and the last renewal thereof displayed in a conspicuous place at its office and shall keep every license for a branch office together with the last renewal thereof displayed in a conspicuous place at such branch office. License to be displayed.

20. The Lieutenant-Governor in Council, upon the recommendation of the Commission, may make regulations,— Regulations.

- (a) prescribing the form of licenses and renewals and applications therefor;
- (b) prohibiting the use of any particular method in the collection of debts;
- (c) requiring collection agencies to make returns and furnish information to the Commission;
- (d) prescribing the manner of making deposits and regulating the control and disposition thereof;
- (e) governing the keeping of records, books, accounting systems and audits;
- (f) prescribing the amount and form of bonds to be furnished by collection agencies; and
- (g) generally for the better carrying out of the provisions of this Act.

21. Every person who knowingly employs a collection agency not having a license as required by this Act, or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by a collection agency not having such a license, shall be guilty of an offence and liable to a penalty of not more than \$200. Penalty for employing unlicensed agency.

22. Every collection agency or collector who violates any of the provisions of this Act or the regulations for which no other penalty is provided or who fails or neglects to carry out any order or direction of the Commission made under this Act shall be guilty of an offence and liable to a penalty of not more than \$200. Penalties.

23. No proceedings under this Act shall be instituted except with the consent or under the direction of the Commission. Consent before action.

24. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. Application of Rev. Stat., c. 136.

25. The following fees shall be paid to the registrar: Fees.

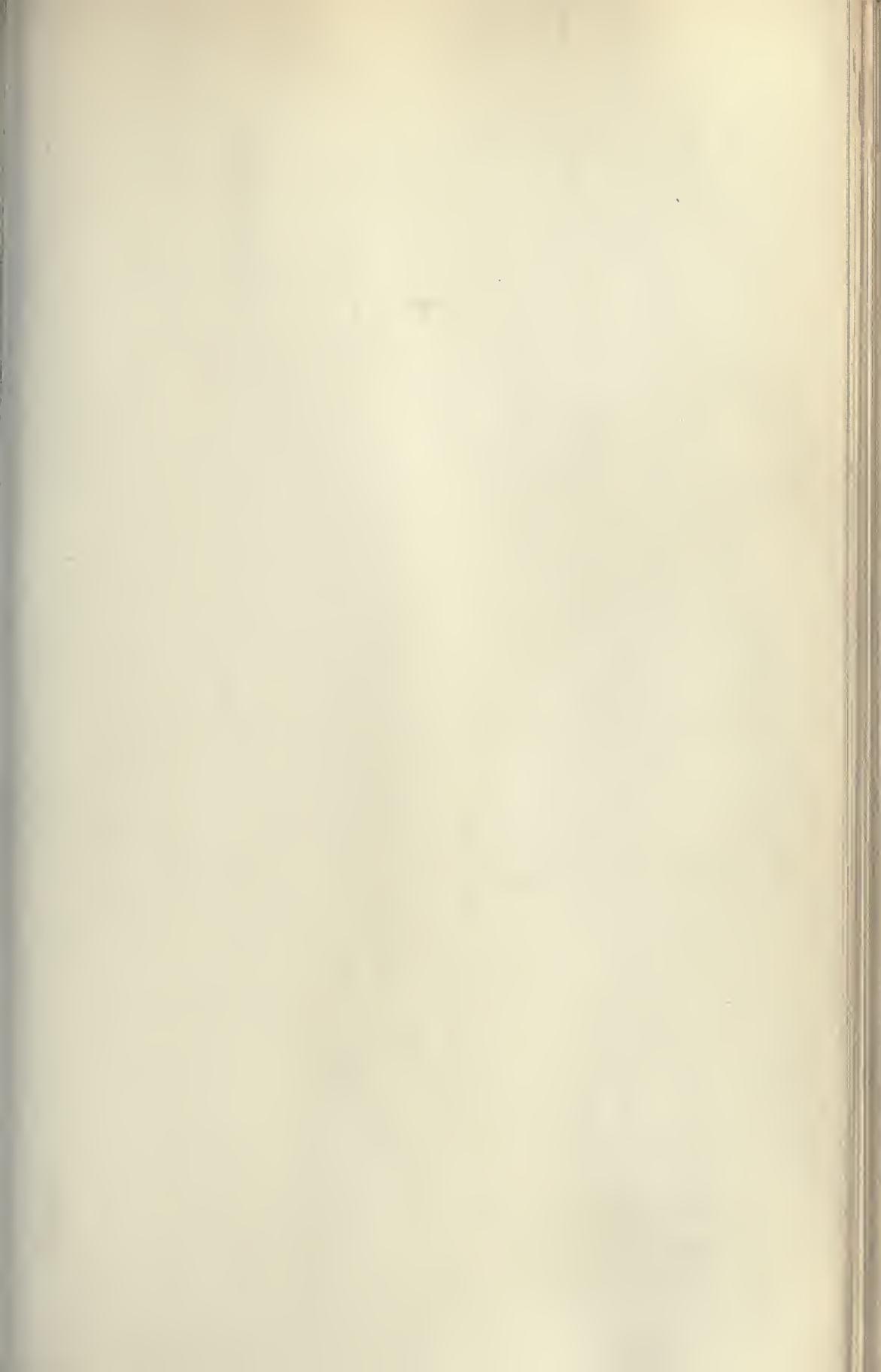
- (a) For a license of a collection agency whose principal or head office is outside of Canada and for every renewal of such a license.....\$50.00
- (b) For a license of a collection agency whose principal or head office is in Canada..... 10.00
- (c) For a renewal of a license issued under clause *b* when the average monthly gross commissions for the six months prior to the application for such a renewal have been in excess of \$150 per month..... 25.00
- (d) For a renewal of a license granted under clause *b* when the average monthly gross commissions for the six months prior to the application for such a renewal have been \$150 or less per month..... 10.00
- (e) For a license as a collector and for every renewal of such a license..... 3.00
- (f) For a license of a branch office, including a license of a manager of such branch office, and for every renewal of such a license..... 5.00
- (g) Upon every notice of any alteration or change required to be filed with the registrar..... 1.00

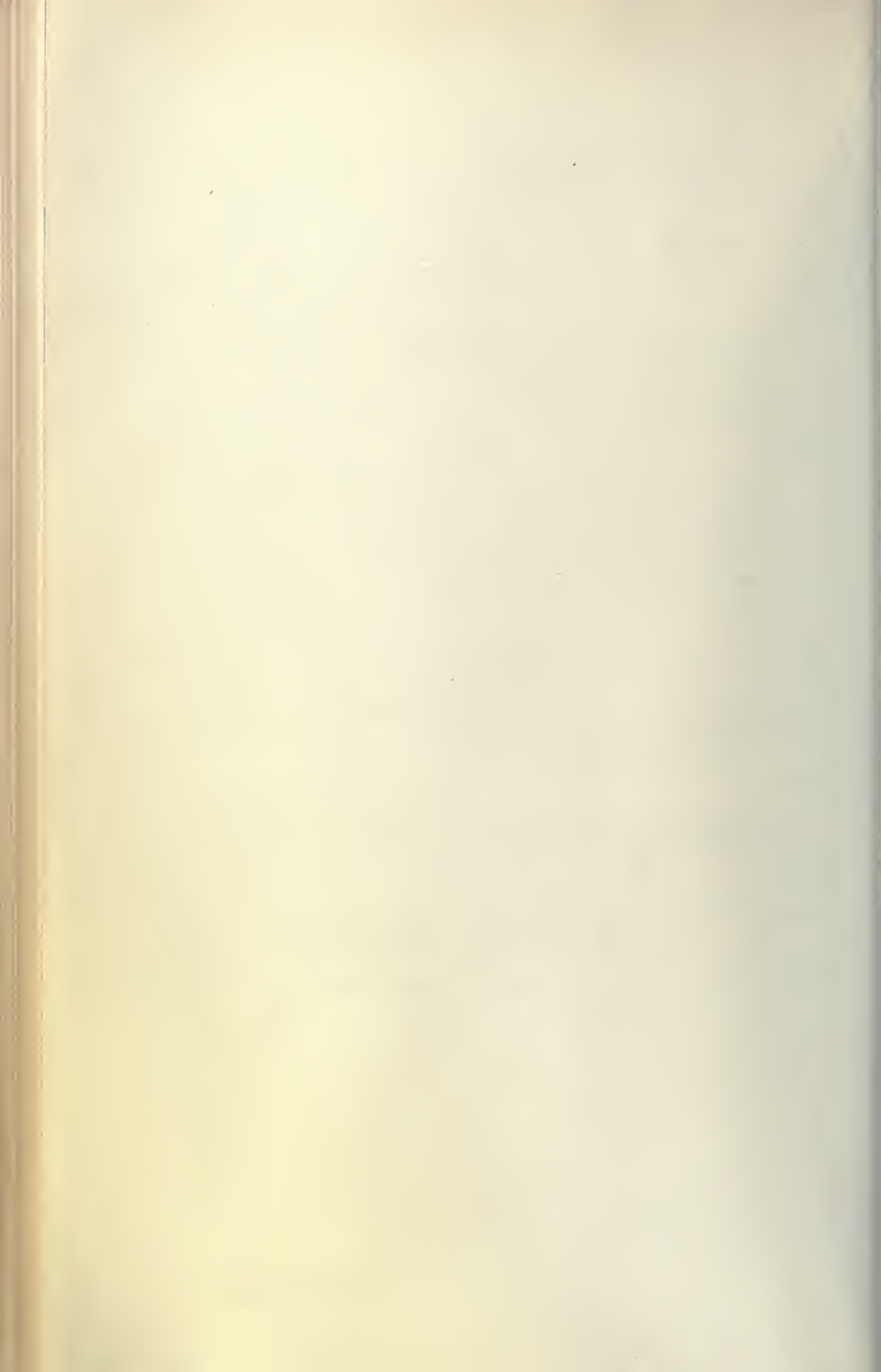
Rev. Stat.,
c. 249,
repealed.

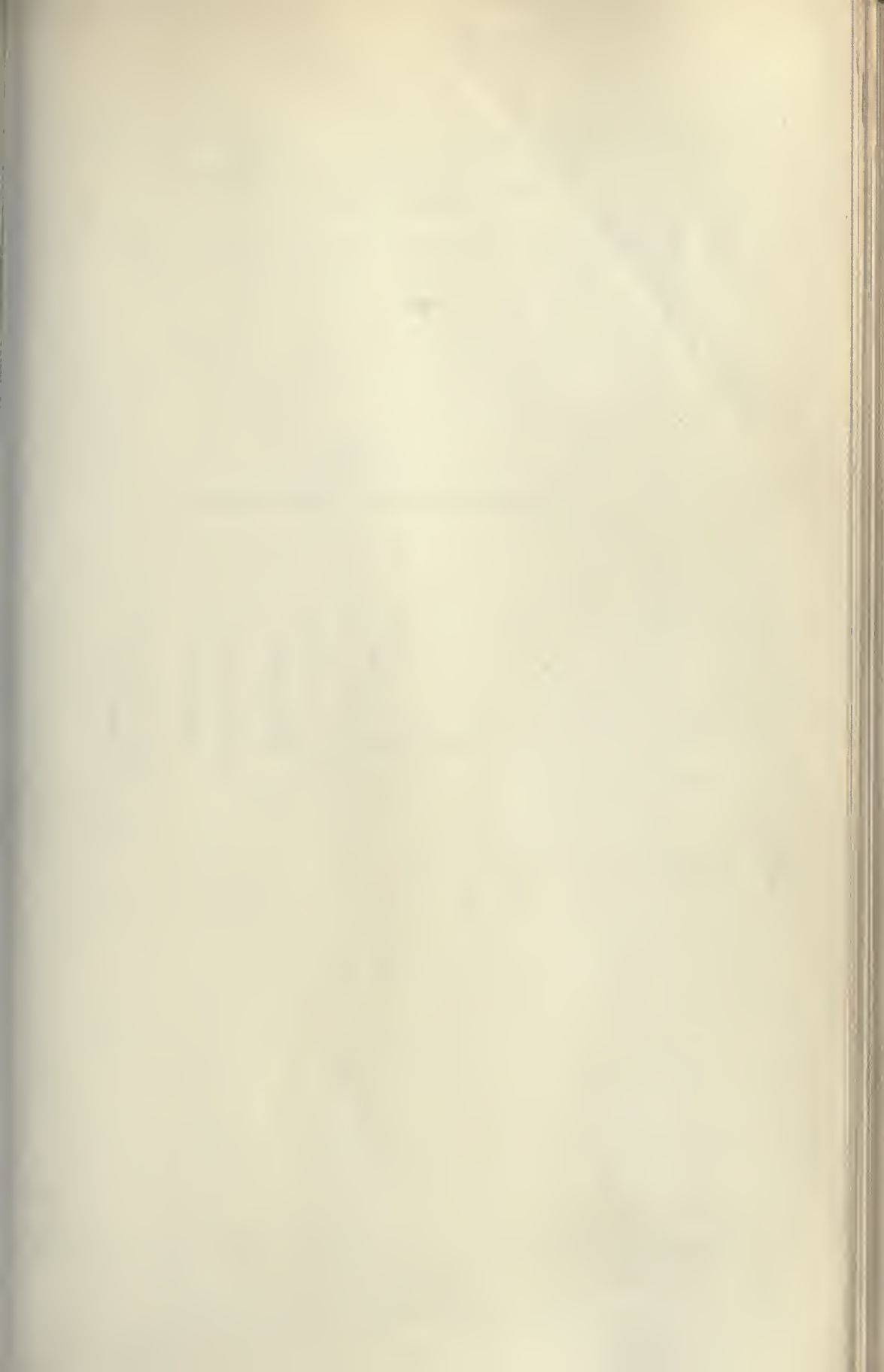
26. *The Collection Agencies Act*, being chapter 249 of the Revised Statutes of Ontario, 1937, is repealed.

Short title.

27. This Act may be cited as *The Collection Agencies Act*, 1939.







BILL

An Act respecting Collection Agencies.

1st Reading

March 29th, 1939

2nd Reading

April 3rd, 1939

3rd Reading

April 18th, 1939

MR. CONANT

No. 65

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Gasoline Tax Act.

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 65

1939

BILL

An Act to amend The Gasoline Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 32, s. 2,
amended.

1. Section 2 of *The Gasoline Tax Act* is amended by striking out the word "six" in the third line and inserting in lieu thereof the word "eight", so that the said section shall now read as follows:

Tax
payable by
purchaser.

2. Every purchaser of gasoline shall pay to the Minister for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of eight cents per imperial gallon on all gasoline purchased or delivery of which is received by him.

Commence-
ment of Act.

2. This Act shall come into force on the 1st day of April, 1939.

Short title.

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1939*.

EXPLANATORY NOTE

The Bill increases the tax on gasoline from six cents per imperial gallon to eight cents per imperial gallon.

An Act to amend The Gasoline
Tax Act.

1st Reading

March 30th, 1939

2nd Reading

3rd Reading

MR. HEPBURN (Elgin)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Gasoline Tax Act.

MR. HEPBURN (Elgin)

No. 65

1939

BILL

An Act to amend The Gasoline Tax Act.

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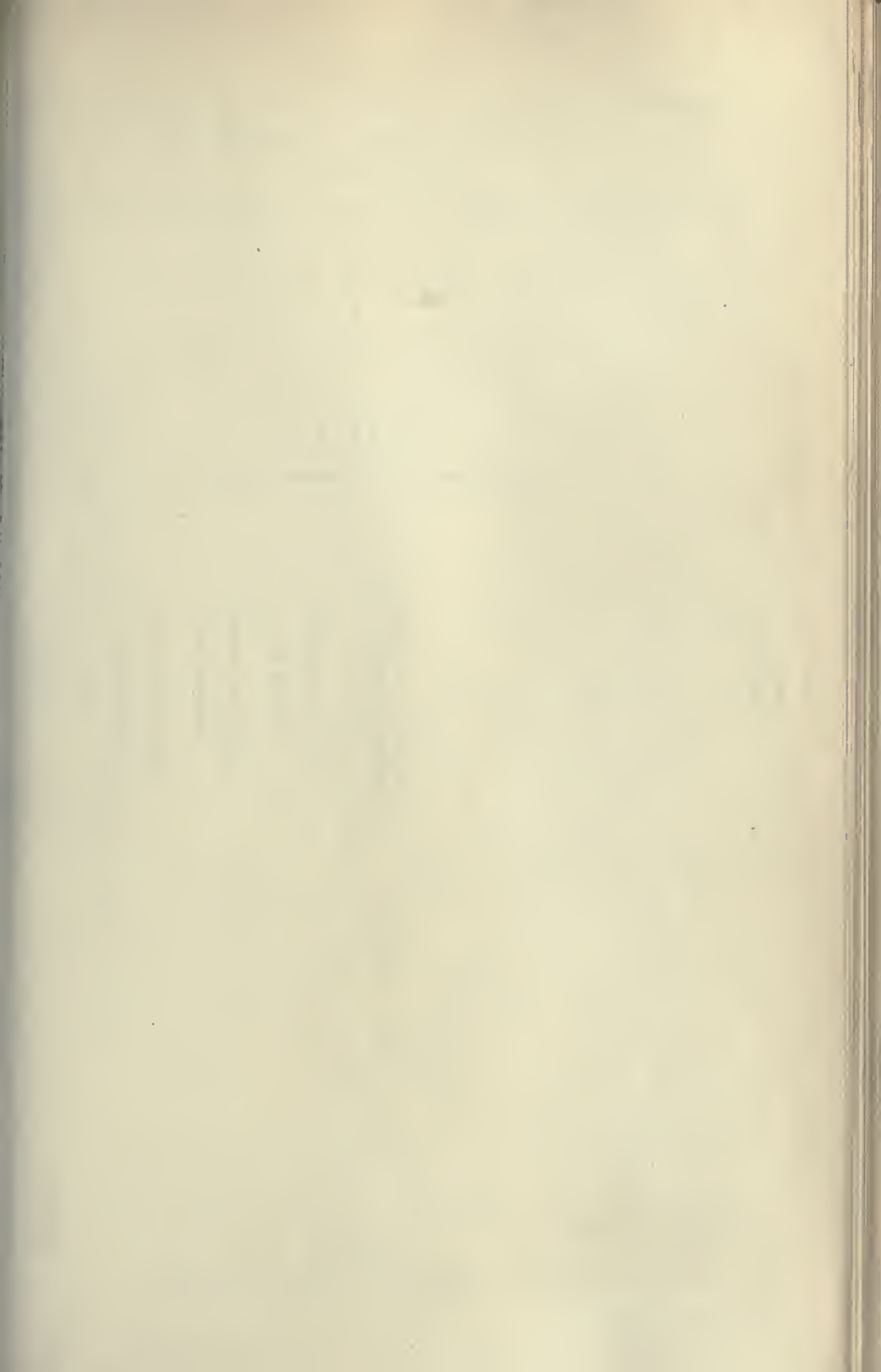
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Commence-
ment of Act.

2. This Act shall come into force on the 1st day of April, 1939.

Short title.

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1939*.



An Act to amend The Gasoline
Tax Act.

1st Reading

March 30th, 1939

2nd Reading

March 31st, 1939

3rd Reading

March 31st, 1939

MR. HEPBURN (Elgin)

No. 66

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Municipal Act.

MR. ELLIOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266,
amended.

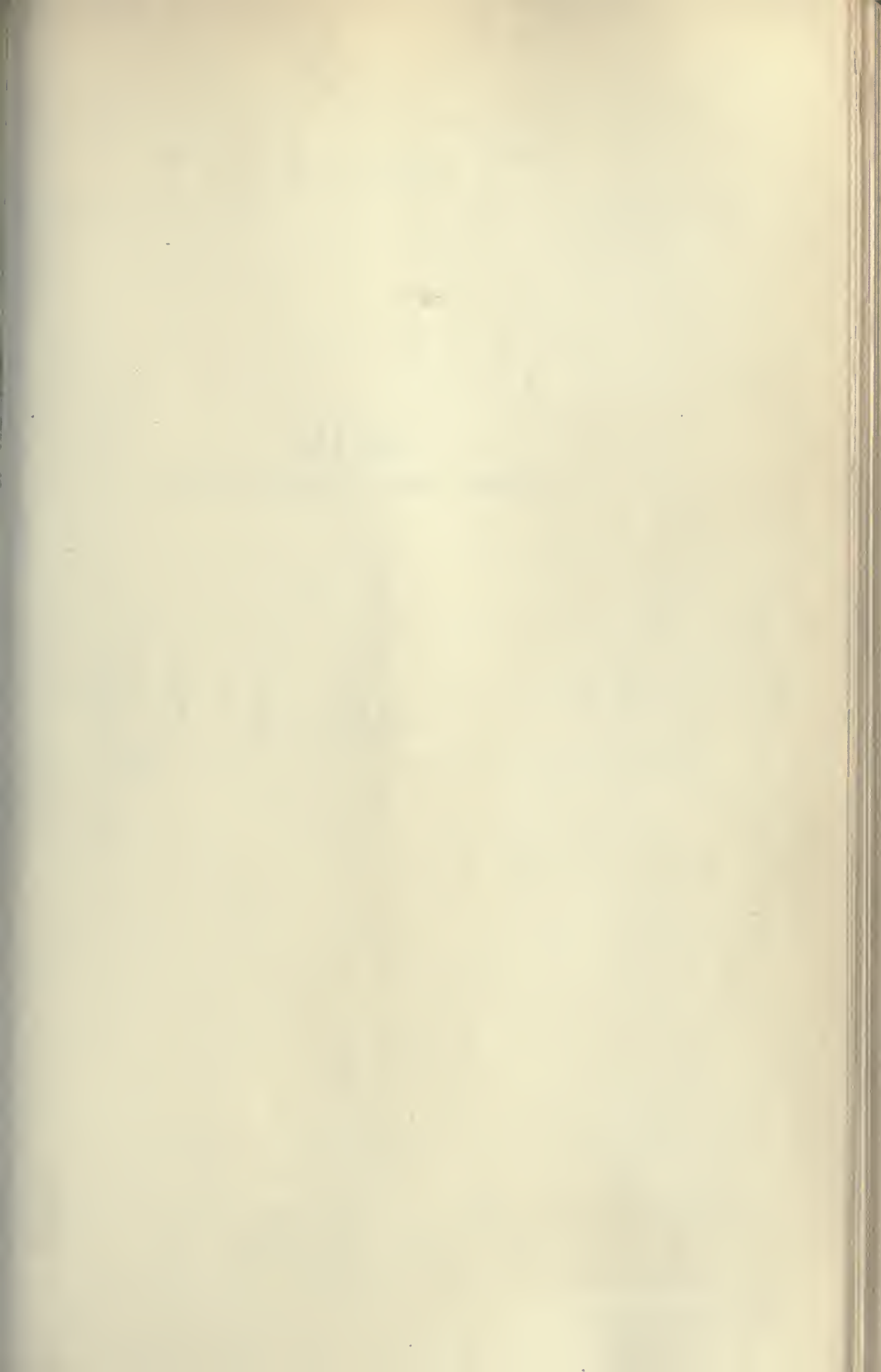
1. *The Municipal Act* is amended by adding thereto the following sections:

Where
surplus in
sinking fund.

321a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the investment of sinking funds exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate fund, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts.

Where
amount in
sinking fund
sufficient.

321b. Notwithstanding the provisions of any general or special Act, if and when the amount in a sinking fund is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it becomes due, the council with the approval of the Municipal Board may not be required to raise or provide any further sum with respect to such debt.



An Act to amend The Municipal Act.

1st Reading

March 31st, 1939

2nd Reading

3rd Reading

MR. ELLIOTT

No. 67

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Voters' Lists Act.

MR. ROEBUCK

PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
TORONTO

BILL

An Act to amend The Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 7, s. 1,
amended. **1.** Section 1 of *The Voters' Lists Act* is amended by adding thereto the following clause:

"Post-
master."
 (bb) "Postmaster" shall include person in charge of a branch or sub-post office or postal station.

Rev. Stat.,
c. 7, s. 5,
subss. 1, 2, 3,
4, 5 and 8,
re-enacted;
subss. 13 and
14 repealed. **2.** Subsections 1, 2, 3, 4, 5, 8, 13 and 14 of section 5 of *The Voters' Lists Act* are repealed and the following substituted therefor:

List of voters
in three
parts.

(1) The clerk of each municipality shall in each year by house to house canvass or other sufficient enquiry make a correct list for each polling subdivision of the municipality in three parts (Form 1) of all persons entitled to vote in the municipality at provincial and municipal elections.

Alphabetical
or by street
numbers and
alphabetical
card index.

(2) The list shall be made up alphabetically except in the case of a city, the council of which has by resolution directed that the list be made up in order of street numbers, provided that in the latter case the clerk shall also maintain a correct alphabetical card index of the voters' lists with sufficient particulars to identify the voters and to prevent duplication of names.

First part.

(3) The first of the three parts shall contain the names of all persons entitled to vote at both provincial and municipal elections.

Second part.

(4) The second part shall contain the names of all persons entitled to vote at municipal but not at provincial elections.

EXPLANATORY NOTE

The purpose of these amendments is to set up adequate provisions for dealing with errors and omissions in municipal voters' lists in order to prevent the abuses which exist at present.

Third part. (5) The third part shall contain the names of all persons entitled to vote at provincial but not at municipal elections.

Where name to be entered. (8) No person's name shall be entered more than once on the first or second part of the voters' list and the name of every person qualified to vote shall be entered in the list for the subdivision in which such person resides.

Rev. Stat., c. 7, amended. **3.** *The Voters' Lists Act* is amended by adding thereto the following section:

False statement. 6a. Any person who in answer to any inquiry made by or on behalf of the clerk in the performance of his duties under this Act, or who in any declaration or objection filed with the clerk makes any material false statement knowing that it is false, or makes such statement recklessly without knowing whether it is true or false shall be guilty of an offence and shall be liable on summary conviction to a fine of \$50 or to imprisonment for a term not exceeding two months.

Rev. Stat., c. 7, s. 8, cl. f, re-enacted. **4.**—(1) Clause *f* of section 8 of *The Voters' Lists Act* is repealed and the following substituted therefor:

(*f*) every principal or head teacher of a public or separate school in the municipality and the secretary or secretary-treasurer of the school board by which such principal or teacher is employed.

Rev. Stat., c. 7, s. 8, amended. (2) The said section 8 is further amended by adding thereto the following clauses:

(*l*) every candidate for whom votes were given at the then last municipal election;

(*m*) the publisher of each newspaper published in the municipality;

(*n*) such persons as request the same in writing before the 15th day of July in each year.

Rev. Stat., c. 7, s. 50, re-enacted. **5.** Section 50 of *The Voters' Lists Act* is repealed and the following substituted therefor:

50. Forthwith after the preparation and printing of each of the lists for each ward or subdivision the clerk shall,—

Posting up
and dis-
tributing
lists.

- (a) post up and distribute the list for the ward or sub-division in the manner prescribed by Part I, and

Notice of
hearing re
complaints.

- (b) cause a notice to be inserted in each daily newspaper published in the city specifying the manner in which and the time within which complaints may be made as to errors or omissions in the lists.

Rev. Stat.,
c. 7,
amended.

6. *The Voters' Lists Act* is amended by adding thereto the following section:

Claims of
errors in
lists.

- 50a.—(1) Any person who claims to be entitled to vote as a provincial or municipal elector or to be named correctly in the list for any ward or subdivision may claim to be so entitled or so named correctly by sending to the clerk a claim in the prescribed form not later than two weeks after the publication of the notice referred to in section 50.

Form to
contain
statutory
declaration.

- (2) The form shall contain a statutory declaration of the qualification of the person claiming to be so entitled to vote or to be named correctly including a declaration that he is a British subject and of the full age of 21 years.

Contents of
form.

- (3) The form, which shall be supplied on request by the clerk, shall set out in full section 6a.

Notice of
objections
to be sent
to clerk.

- (4) Any person whose name appears on the lists may object to the entry or proposed entry or correction of any name by sending to the clerk notice of objection in the prescribed form.

Form to be
supplied
by clerk.

- (5) The form of objection shall be supplied on request by the clerk.

Clerk to send
notice to af-
fected
person.

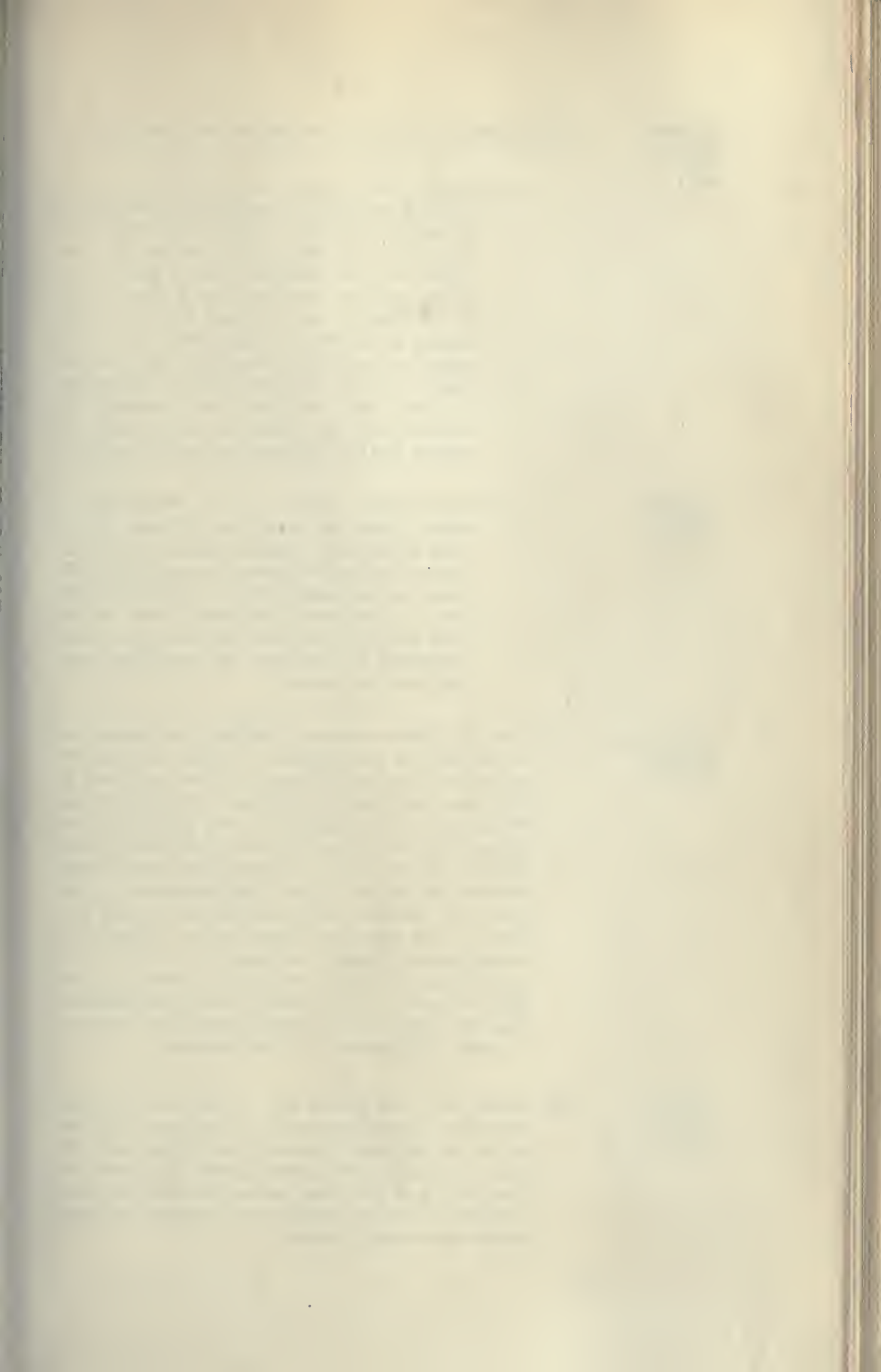
- (6) The clerk shall as soon as practicable after receiving notice of objection send a copy of the notice to the person the entry or proposed entry or correction of whose name objection is taken.

Clerk to post
up list of all
claims and
objections.

- (7) The clerk shall post up and keep posted up in his office a list of all claims and objections received together with sufficient particulars thereof.

Publication
of particu-
lars of claims
and objec-
tions.

- (8) At the expiration of one week after the time limited for sending in claims the clerk shall publish in each daily newspaper in the municipality particulars of the claims and objections received; and he shall in the said notice state that he will forthwith proceed to consider and deal with the same.



Consideration and inquiry into claims by clerk.

(9) As soon as practicable thereafter the clerk shall,—

(a) consider and inquire into all claims of which notice has been given as herein provided and in respect of which no notice of objection has been received; and if he considers that the claim may be allowed he shall give notice to the claimant that his claim is allowed; but if the clerk is not satisfied that the claim should be allowed he shall give at least five days' notice to the claimant of the time and place at which the claim will be considered by him; and the clerk shall consider the matter and any objection which may be offered and he shall then deal with the claim;

Consideration and inquiry into objections by clerk.

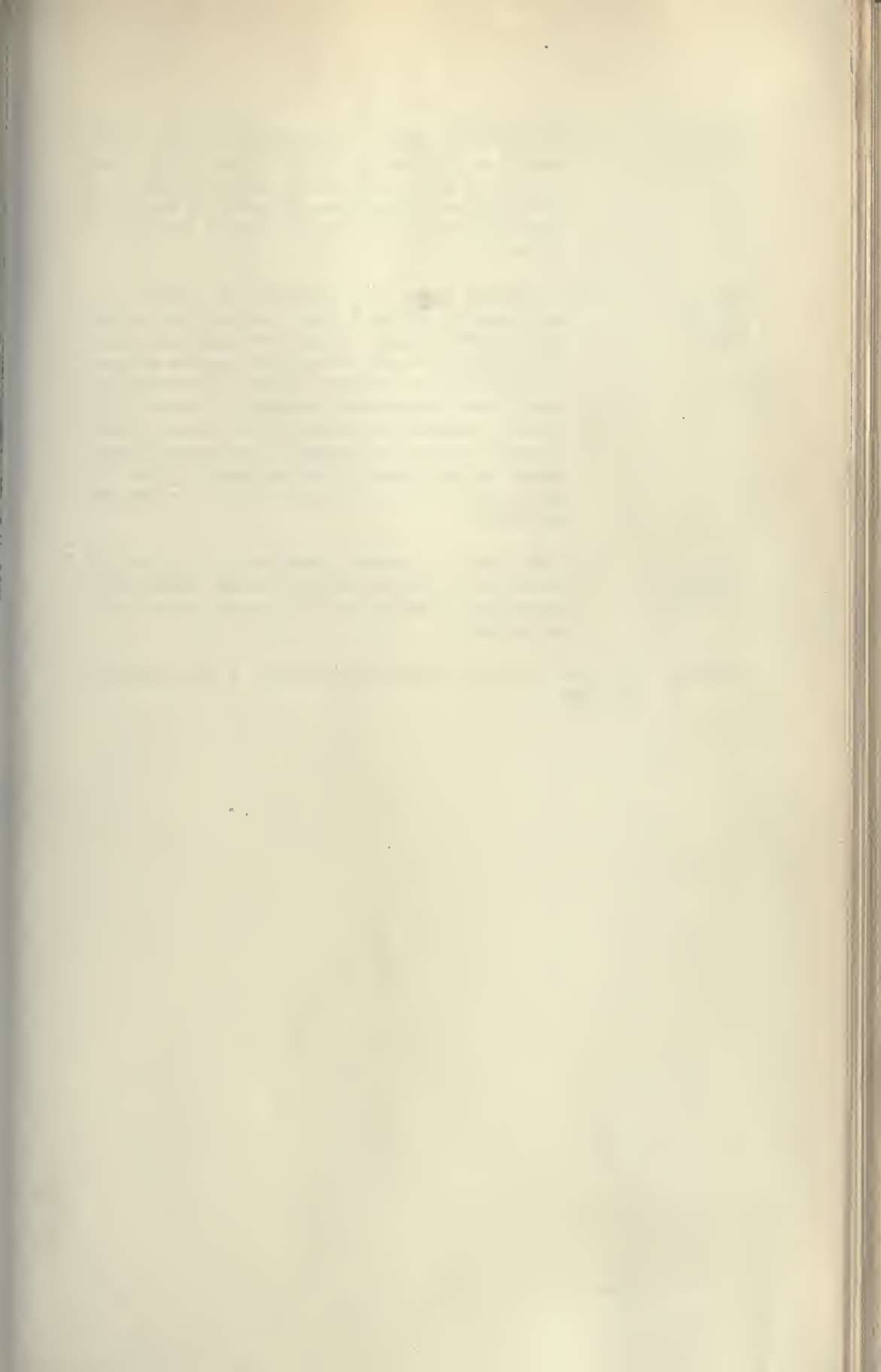
(b) consider and inquire into all objections of which notice has been given to him; and he shall give at least five clear days' notice to the objector and to the person in respect of whose entry or proposed entry or correction the notice of objection has been given of the time and place at which the objection will be considered by him; and the clerk shall then deal with the matter.

Clerk responsible for lists being complete and accurate.

(10) The clerk shall make such additions and corrections in the lists as are required in order to carry out his decisions on any claims or objections; and he shall also make such corrections in the lists by way of the removal of duplicate entries (subject to any expression of choice by the person affected by those entries), the expunging of the names of persons who are dead or subject to any legal incapacity or who cannot be found or who are unknown to the post office, or the placing of marks or the correction of marks placed against the name of an elector or otherwise as he thinks necessary in order to secure that no person is registered in the municipality in respect of more than one qualification; and otherwise to make the lists complete and accurate.

Clerk to notify person re correction in list.

(11) When the clerk makes any correction in the lists otherwise than in pursuance of a claim or objection, or for the purpose of correcting a clerical error, he shall give notice to the person affected by the correction, and shall give that person an opportunity of objecting to the correction and if necessary of being heard with respect thereto.



Printing
and posting
of lists.

- (12) Immediately after the correction of the list of the ward or subdivision the clerk shall cause the corrected lists to be printed and posted up in his office and distributed to the persons referred to in section 8; and the same shall be posted up as provided in section 10.

Clerk to
publish
notice re
revision
of lists.

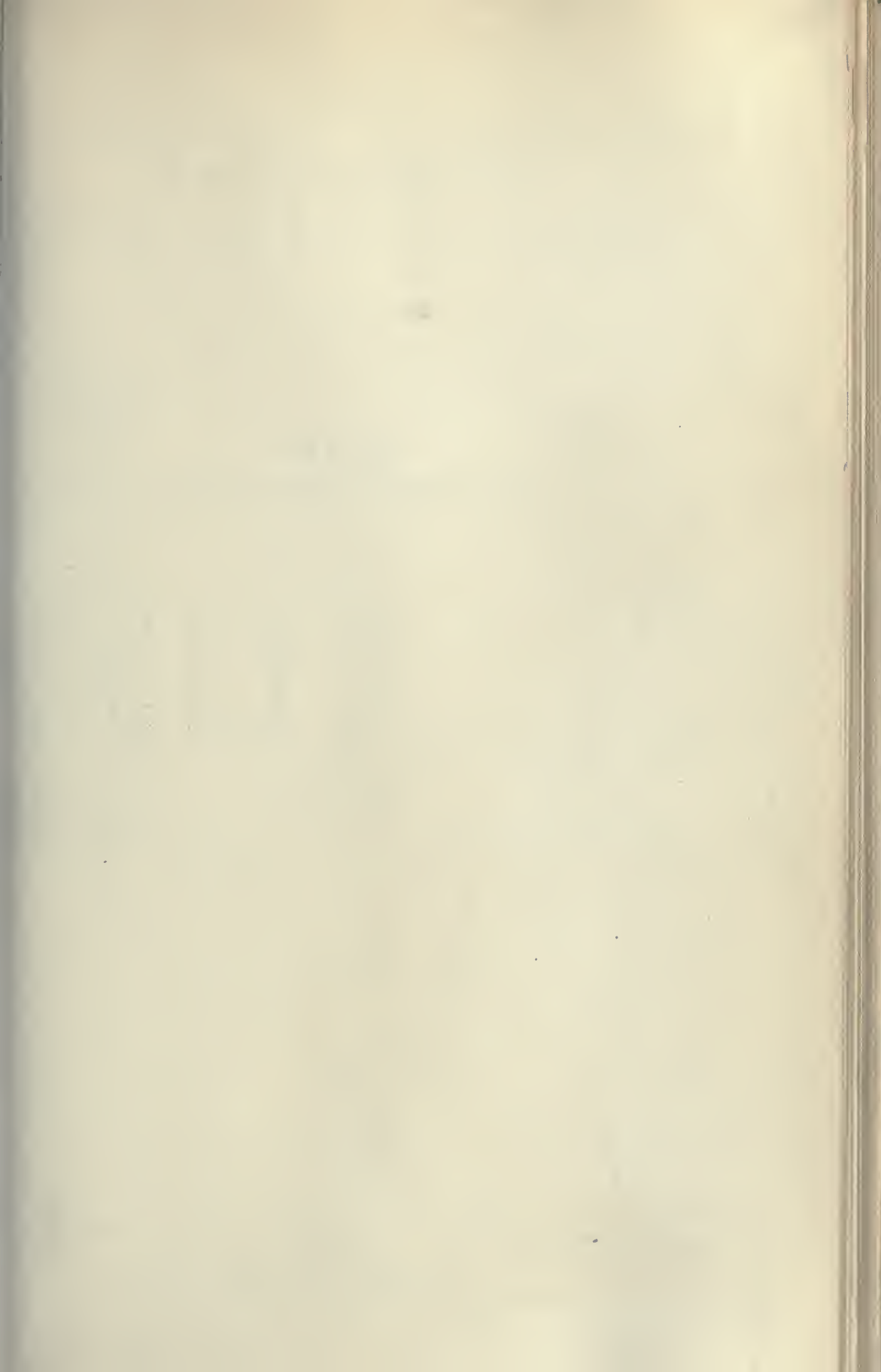
- (13) Forthwith after the printing of the last of the said lists the clerk shall cause a notice to be inserted twice a week for three weeks in each daily newspaper published in the city calling upon persons who are aware of errors or omissions in the lists or of changes which have been rendered necessary by reason of the death, incapacity or removal of any person named therein, or for any other reason to give notice of the same, and shall name a time and place at which the judge will hold a court for revising the lists for the whole city.

Time for
making
complaints.

- (14) The time for making complaints as to errors or omissions in the lists shall be within fifteen days after the last publication of the notice referred to in subsection 13.

Short title.

7. This Act may be cited as *The Voters' Lists Amendment Act, 1939*.



An Act to amend 'The Voters' Lists Act.

1st Reading

April 3rd, 1939

2nd Reading

3rd Reading

MR. ROEBUCK

No. 68

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Constables Act.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Constables Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 140,
amended.

1. *The Constables Act* is amended by adding thereto the following section:

Constables
empowered
to act
throughout
Ontario.

1a. Notwithstanding any provision of any Act of this Legislature, every constable or other police officer heretofore or hereafter appointed under the provisions of this Act or of any other Act of this Legislature, shall have authority to act as a constable throughout Ontario.

Rev. Stat.,
c. 140, s. 13,
subs. 1,
amended.

2.—(1) Subsection 1 of section 13 of *The Constables Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows:

Supervision
by Commis-
sioner of
Police.

(1) The Commissioner of Police for Ontario shall have authority to inspect the offices of the high constables and constables appointed under this Act.

Rev. Stat.,
c. 140, s. 13,
subs. 2,
repealed.

(2) Subsection 2 of the said section 13 is repealed.

Rev. Stat.,
c. 140,
amended.

3. *The Constables Act* is amended by adding thereto the following section:

Investiga-
tion and
report by
Commis-
sioner of
Police.

13a.—(1) The Attorney-General may require the Commissioner of Police for Ontario or any other person, to investigate, inquire into and report to the Attorney-General upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

(a) at the request of the council of any municipality, in which case the municipality shall pay the cost of such investigation; or

EXPLANATORY NOTES

SECTION 1. This amendment gives all constables province-wide jurisdiction.

SECTION 2. The section giving the Commissioner power to inspect certain offices as well as to hold inquiries is amended to limit its operation to the inspections authorized by it.

SECTION 3. This section permits the Attorney-General to require the Commissioner of Police for Ontario or any other person to inquire into and report upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality.

- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of investigator.

- (2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Report to be communicated to council.

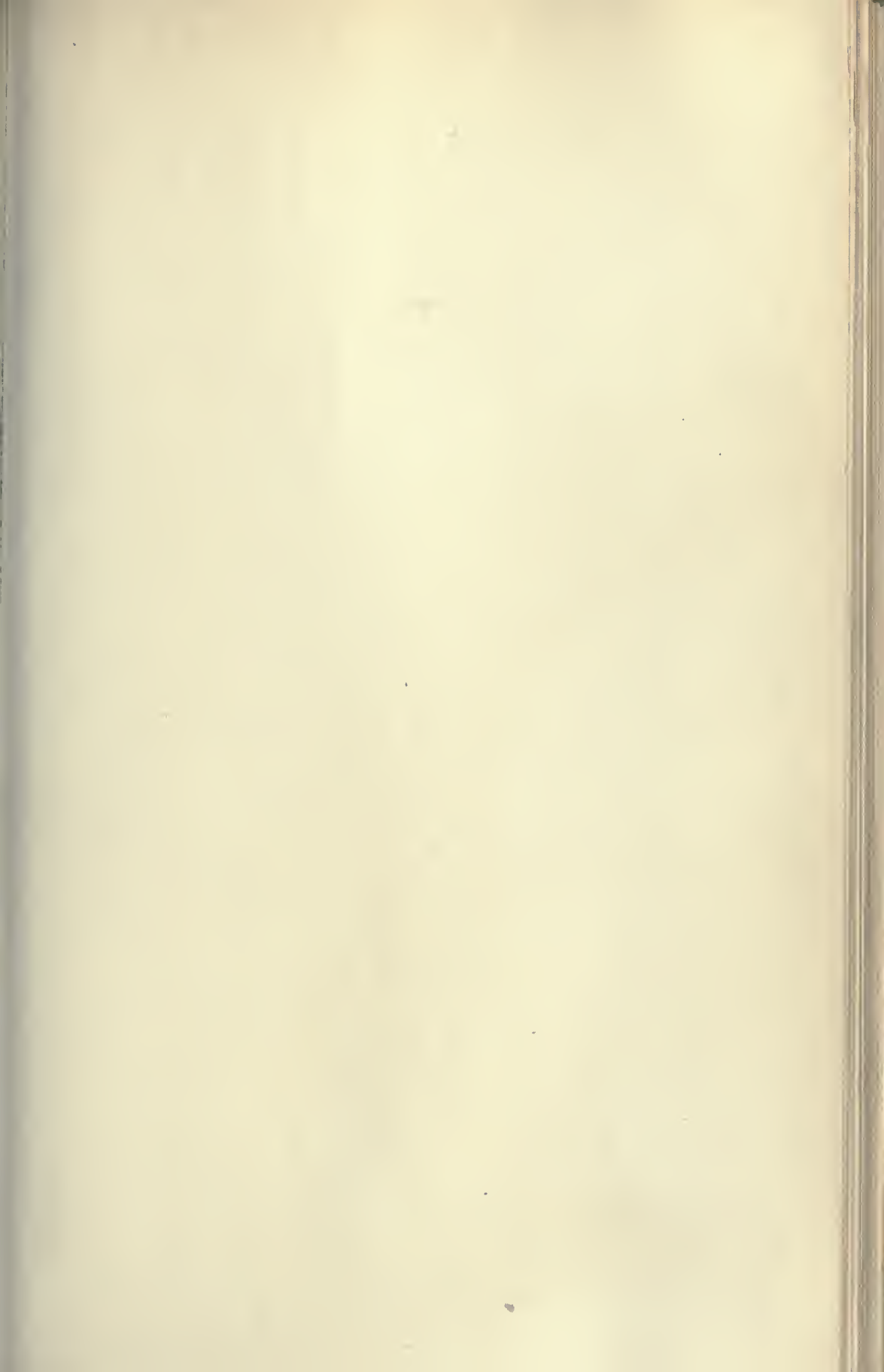
- (3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney-General to the council of such municipality.

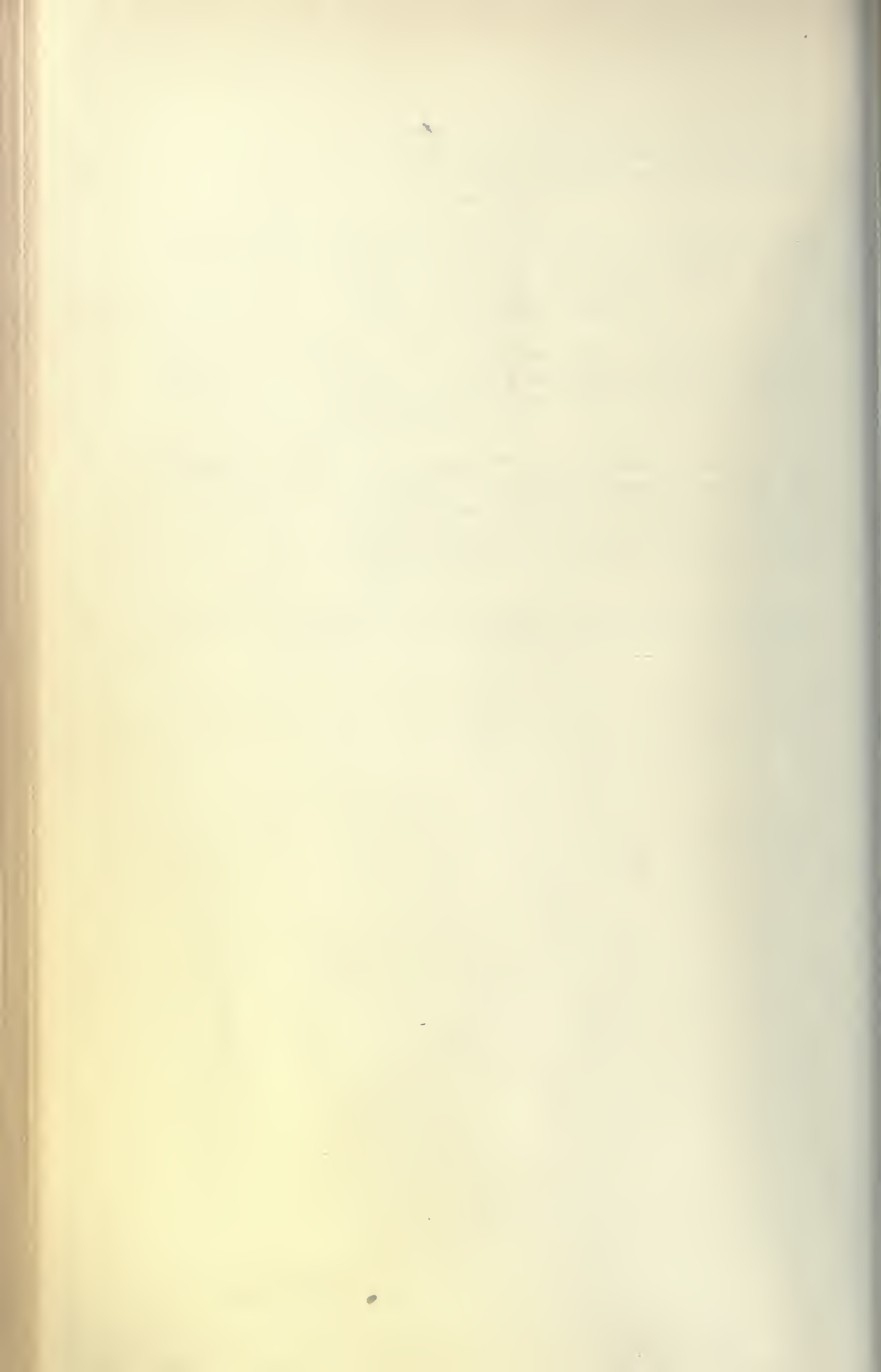
"Constable,"
—meaning
of.

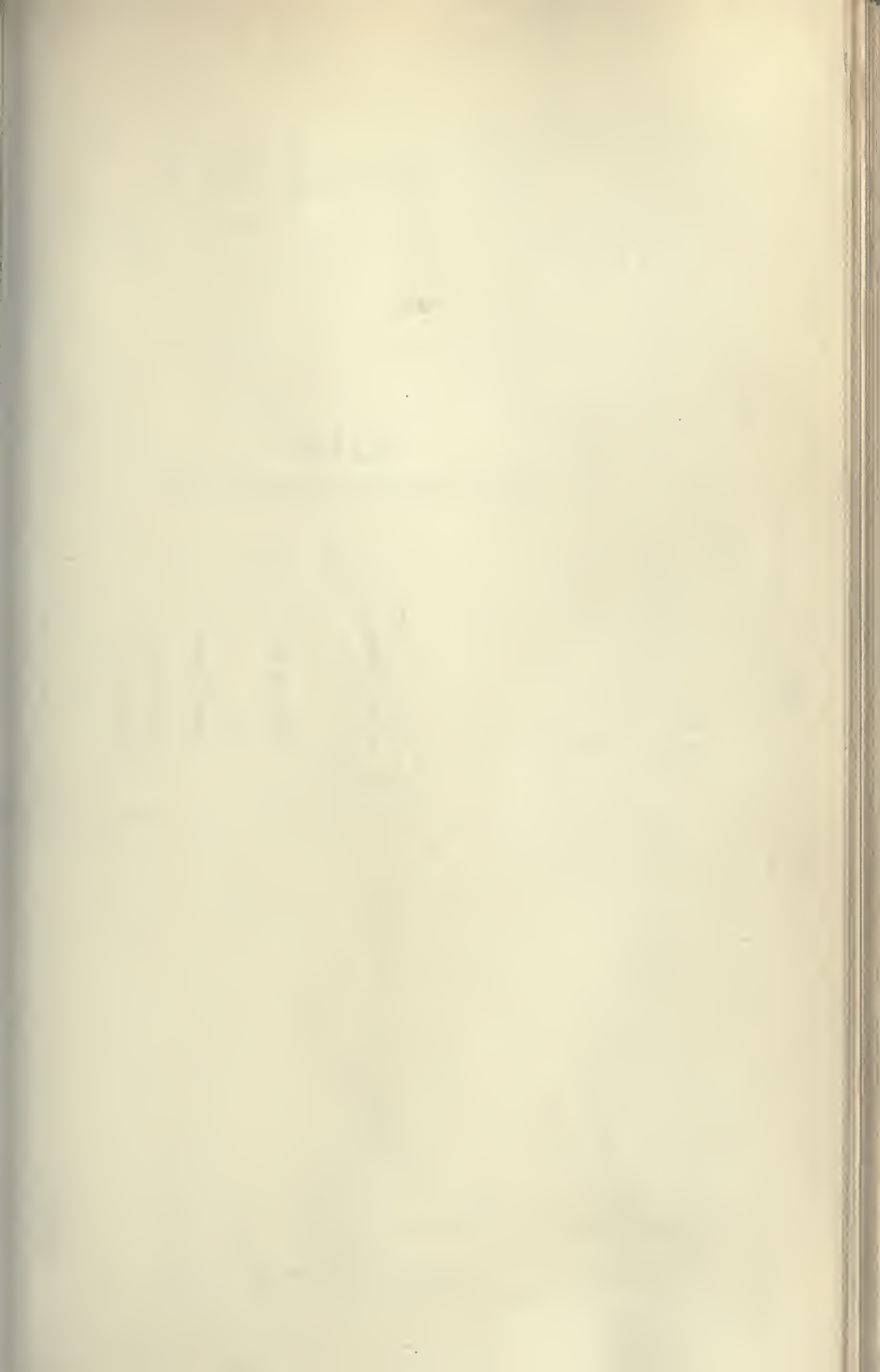
- (4) In this section "constable" shall include a chief constable, police constable, county constable, high constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature.

Short title.

4. This Act may be cited as *The Constables Amendment Act, 1939*.







BILL

An Act to amend The Constables Act.

1st Reading

April 4th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 68

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

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1a. Notwithstanding any provision of any Act of this Legislature, every constable or other police officer heretofore or hereafter appointed under the provisions of this Act or of any other Act of this Legislature, shall have authority to act as a constable throughout Ontario to arrest any person who has committed or whom such constable suspects of having committed any offence within the municipality for which he is constable.

Rev. Stat.,
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2.—(1) Subsection 1 of section 13 of *The Constables Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows:

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13a.—(1) The Attorney-General may require the Commissioner of Police for Ontario or any other person, to investigate, inquire into and report to the Attorney-General upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

EXPLANATORY NOTES

SECTION 1. This amendment gives every constable province-wide jurisdiction for the purpose of arresting any person who is suspected of committing an offence in the municipality for which such constable is appointed.

SECTION 2. The section giving the Commissioner power to inspect certain offices as well as to hold inquiries is amended to limit its operation to the inspections authorized by it.

SECTION 3. This section permits the Attorney-General to require the Commissioner of Police for Ontario or any other person to inquire into and report upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality.

(a) at the request of the council of any municipality, in which case the municipality shall pay the cost of such investigation; or

(b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of investigator.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat., c. 19.

Report to be communicated to council.

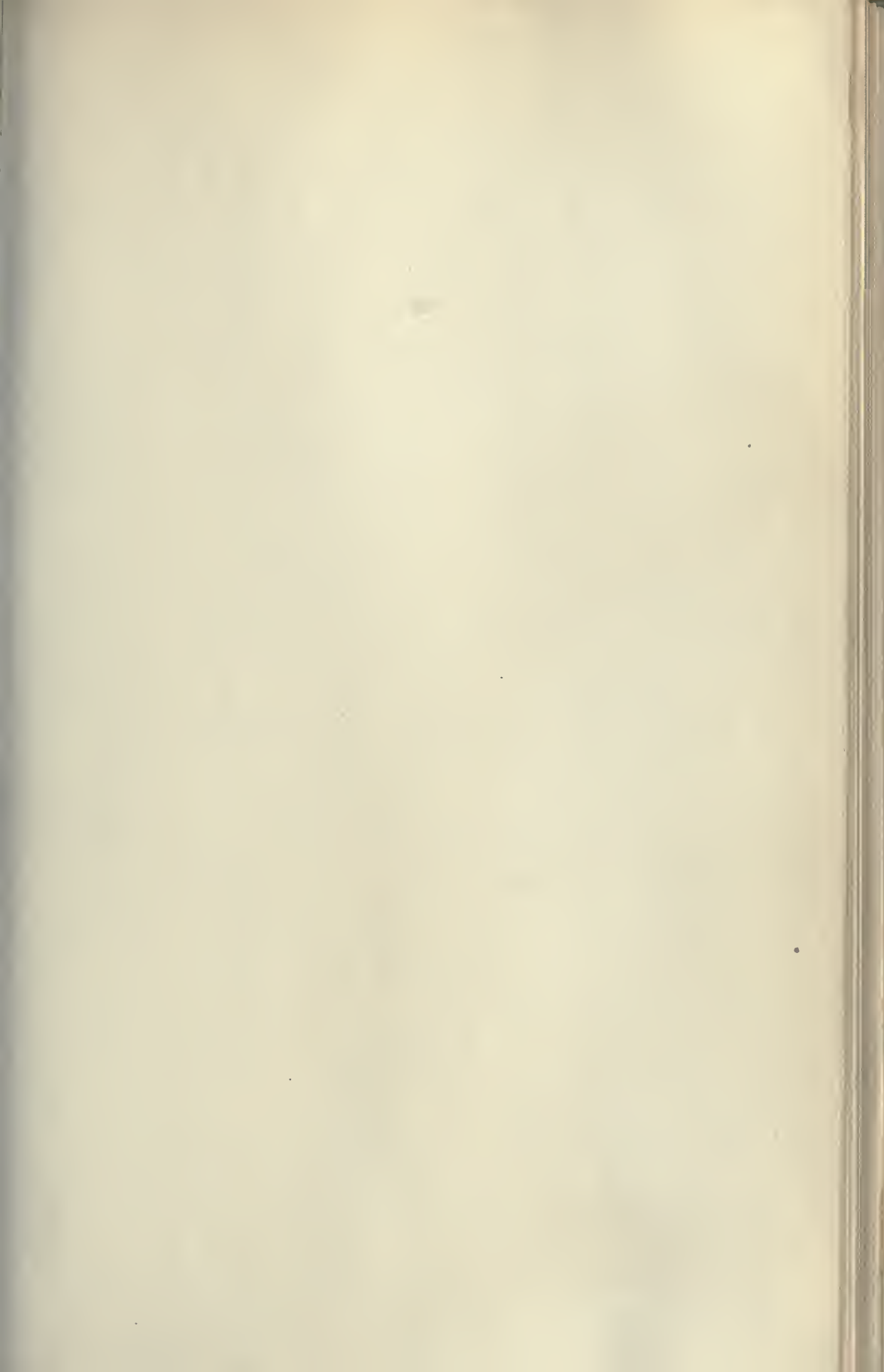
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"Constable,"
—meaning
of.

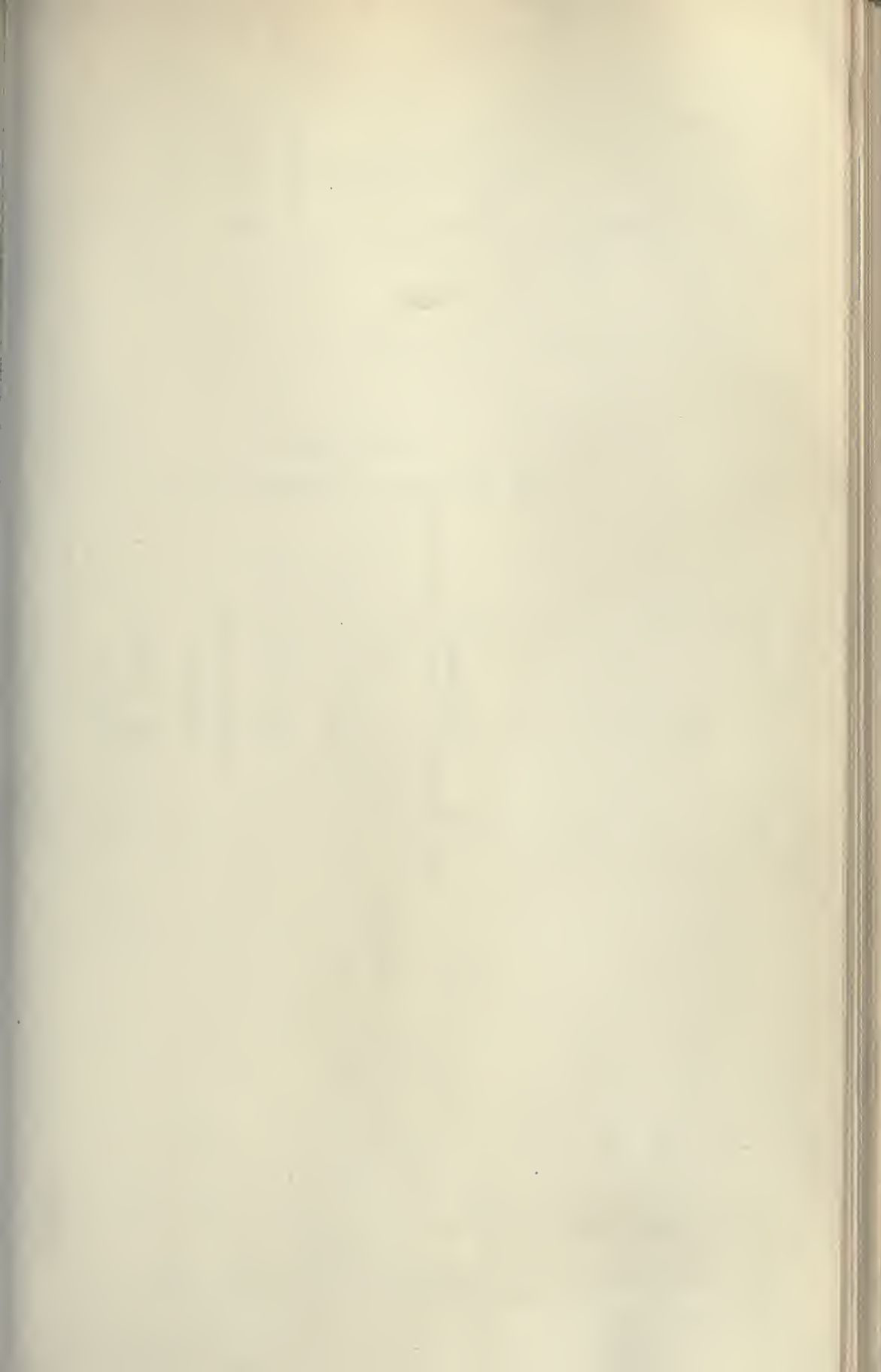
(4) In this section "constable" shall include a chief constable, police constable, county constable, high constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature.

Short title.

4. This Act may be cited as *The Constables Amendment Act, 1939*.







An Act to amend The Constables Act.

1st Reading

April 4th, 1939

2nd Reading

April 12th, 1939

3rd Reading

MR. CONANT

*(Reprinted as amended in Committee of the
Whole House.)*

No. 68

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Constables Act.

MR. CONANT

TORONTO
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- (a) at the request of the council of any municipality, in which case the municipality shall pay the cost of such investigation; or
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. Powers of investigator.
Rev. Stat.,
c. 19.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney-General to the council of such municipality. Report to be communicated to council.

(4) In this section "constable" shall include a chief constable, police constable, county constable, high constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature. "Constable," meaning of.

4. This Act may be cited as *The Constables Amendment Act, 1939*. Short title.

An Act to amend The Constables Act.

1st Reading

April 4th, 1939

2nd Reading

April 12th, 1939

3rd Reading

April 18th, 1939

MR. CONANT

No. 69

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Changing of Names.

MR. HAGEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Changing of Names.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

- "Applicant." (a) "Applicant" shall mean a person applying for a change of name under this Act;
- "Applica-
tion." (b) "Application" shall mean an application for a change of name under this Act;
- "Change." (c) "Change" shall mean any change by way of alteration, substitution, addition or abandonment;
- "Child."
Rev. Stat.,
c. 218. (d) "Child" shall include a child adopted under the provisions of *The Adoption Act*;
- "Given
name." (e) "Given name" shall include Christian name and baptismal name;
- "Name." (f) "Name" shall include given name and surname;
- "Registrar." (g) "Registrar" shall mean Registrar of the Supreme Court of Ontario; and
- "Surname." (h) "Surname" shall include family name and patronymic.

Application
for change
of name,—

2.—(1) Any person of the full age of twenty-one years, who is a British subject by birth or naturalization, except a married woman, may make an application for a change of name.

by married
man;

(2) If the applicant is a married man he may also apply for a change of the names of his wife and of any of his or their unmarried infant children.

by widower
or widow.

(3) If the applicant is a widower or widow he or she may also apply for a change of the names of any of his or her unmarried infant children.

EXPLANATORY NOTES

GENERAL. This Act provides the manner in which any person may change his name or the names of certain members of his family commencing at the date of the coming into force of this Act. It provides that a change of name may only be effected after the intended change has been advertised and has been approved by the order of a judge.

SECTION 1. Defines various terms used in the Act.

SECTION 2. Prescribes who may apply for a change of name and whose names he may apply to have changed.

Consent of
wife and
children.

(4) Where an application includes an application for a change of the name of the wife of the applicant or of any of his or their unmarried infant children of the age of fourteen years or over, the consent in writing of all of such persons shall be obtained and all of such children shall appear personally upon the hearing of the application.

Application
to judge.

3. Every application shall be made to a judge of the county or district court of the county or district in which the applicant has resided for a period of one year immediately prior to the first publication of notice of the application and shall be heard at such time and place as the judge may appoint in writing.

Particulars
of applica-
tion.

4.—(1) Every application shall set forth,—

- (a) the date and place of birth of the applicant and of any other person whose name is affected by the application;
- (b) the name in full of his father, and where the applicant is a married man, the name in full of his wife's father;
- (c) the maiden name in full of his mother, and where the applicant is a married man, the maiden name in full of his wife's mother;
- (d) that he is a British subject by birth or naturalization as the case may be;
- (e) his occupation, profession or calling;
- (f) whether he has been convicted of a criminal offence and the particulars of any such offence;
- (g) the name proposed to be adopted;
- (h) a statement whether any change in name has been effected previously either under the provisions of this Act or under any right which existed at law prior to the coming into force of this Act or otherwise;
- (i) the names, ages and other similar particulars of all other persons whose names the applicant desires to have changed; and
- (j) a statement of the reasons for desiring such change of name.

Application
to be ac-
companied
by affidavit.

(2) Every application shall be accompanied by an affidavit of the applicant deposing that he has resided in the county

SECTION 3. Prescribes the court to which an application for a change of name shall be made.

SECTION 4. Prescribes the form of the application and the information to be contained therein.

or district in which the application is made for a period of not less than one year immediately prior to the first publication of the notice of application that the statements contained in the application are true and that the application is made by the applicant in good faith and for no improper purpose.

Notice of application.

5.—(1) Every applicant shall publish in the *Ontario Gazette* and in three consecutive issues of a newspaper having a general circulation in the locality in which he has resided for a period of one year immediately preceding the date of the first publication, a notice of application in which shall be stated the time and place of the hearing of such application.

Time of application.

(2) No application shall be heard until the expiration of fourteen days after the date of the last publication of such notice.

Notice to Attorney-General.

(3) Copies of the appointment for hearing, the application and verifying affidavit and of all consents required under section 2, shall be served on the Attorney-General at least thirty days before the hearing of the application.

Documents to be filed with clerk of the court.

6. Every applicant shall file with the clerk of the court in which the application is made,—

- (a) the application, with affidavit referred to in subsection 2 of section 4, in duplicate;
- (b) all consents required under section 2;
- (c) an affidavit of the applicant proving publication of the notice of application;
- (d) the appointment for hearing;
- (e) if the applicant is a British subject by naturalization, a notorial copy of his naturalization certificate; and
- (f) proof of service upon the Attorney-General of copies of the appointment for hearing, the application with verifying affidavit, any consents required by section 2 and the naturalization certificate where the applicant is a British subject by naturalization.

Hearing application.

7.—(1) At the time and place appointed by the judge for the hearing he may require the applicant and any person whose name the applicant seeks to change or any other person appearing on the hearing, to give evidence under oath and may examine or cross-examine any such person or permit such person to be examined or cross-examined.

Objections may be heard.

(2) Any person who desires to object to the change of name for which application is made and any person who desires to furnish the court with any information regarding the

SECTION 5. Provision is made for publication of notice of an intended application and also for service of notice on the Attorney-General.

SECTION 6. Provides that the application, with verifying affidavits, shall be filed in duplicate and prescribes the other documents which must be filed with the application.

SECTION 7. On the hearing of the application any person who desires to object to the change of name, or who desires to give the court any information, may appear and be heard. The court may hear *viva voce* evidence and in certain circumstances is required to refuse the application.

application or any circumstances connected therewith, may appear upon the hearing of the application and shall be heard.

Application
may be
refused.

(3) Where the judge is of opinion that the name which the applicant seeks to adopt is the same as the name of any other person or resembles the name of any other person to such an extent that the change applied for might reasonably cause mistake or confusion, or be a cause of embarrassment or inconvenience to such person, or that the change of name is sought for any improper purpose or is on any other ground objectionable or that the application should be refused for any other reason, he shall refuse the application.

Order
approving
of change.

8.—(1) Where the judge, upon consideration of the application, the affidavits filed and any other evidence adduced, is of opinion that the application should be granted, he may make an order approving of the change of name.

Scope of
order.

(2) An order made under this section may provide for such changes of names as the court may deem proper having regard to the nature of the application, the relationship and status of other persons mentioned in the application and all other relevant circumstances and every such order shall have effect according to the tenor thereof.

Certified
copy of
order to be
sent to
Registrar.

9.—(1) The clerk of the court shall enter the order in his office and shall send a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit, to the Registrar at Toronto.

Entry and
index by
Registrar.

(2) The Registrar shall number and file each certified order and application received by him and shall keep an index book of such orders and applications which shall be in two parts as follows,—

(a) the first part of the index shall record alphabetically the names, prior to a change being effected, of all persons whose names have been changed under this Act; and

(b) the second part of the index shall record alphabetically the names, as changed, of all persons whose names have been changed under this Act.

Notice of
entry to be
sent to
Secretary of
State and
Registrar-
General.

(3) Notices of every such order shall be sent forthwith by the Registrar to the Registrar-General of Vital Statistics who shall, without charge, alter his records of vital statistics in conformity therewith and to the Secretary of State for Canada.

Duplicate
certificates
issued to
applicants.

10. Any person may, upon payment of the prescribed fee, obtain from the clerk of the court in which the order was made,

SECTION 8. Under proper circumstances the court may grant the application and make such order as may be necessary.

SECTION 9. The order shall be entered in the office of the clerk of the court and duplicate shall be sent to the Registrar of the Supreme Court at Toronto who shall cause it to be filed and properly indexed.

SECTION 10. Provision is made for the furnishing of certificates of an order effecting a change of name.

or from the Registrar, a certificate of any order effecting a change of name, and such certificate shall for all purposes be conclusive evidence of its contents.

Substitution
of new name
in docu-
ments.

11. Without restricting the effect which a change of name may have at law, any person whose name has been changed under this Act shall, upon production of a certificate obtained under section 10 and upon satisfactory proof of identity, be entitled to have a memorandum of the change of name endorsed on any record, certificate, instrument, document, contract or writing, whether public or private, upon payment of such fee as may be prescribed therefor by or under any statute.

Applica-
tion for
annulment.

12.—(1) Any person who has reason to believe that any order effecting a change of name has been obtained by fraud or misrepresentation or for an improper purpose may apply to a judge of the county or district court in which such order was made for an annulment of the order.

Affidavit
giving
reasons.

(2) Every application for an annulment shall be accompanied by an affidavit of the person making the application in which his reasons for believing that such order was obtained by fraud or misrepresentation or for any improper purpose shall be set forth.

Hearing of
application.

(3) The judge may refuse such application without hearing further representations or evidence or may direct that the person applying for the annulment and any other persons shall be heard at such time and place as the court may determine and that notice of the hearing shall be given to such persons and in such manner as the court may direct.

Annulment
of order.

(4) If the judge is satisfied that the order was obtained by fraud or misrepresentation or for an improper purpose, he may order the annulment of the order in whole or in part.

Clerk to
note annul-
ment.

(5) The clerk of the court shall endorse a memorandum of such annulling order upon the entry of the order annulled in whole or in part and shall send a certified copy of the annulling order to the Registrar.

Duties of
Registrar on
annulment.

(6) The Registrar shall, upon receipt of a certified copy of an annulling order,—

(a) file and index it in accordance with the provisions of subsection 2 of section 9;

(b) endorse a memorandum thereof on the duplicate original of the order annulled in whole or in part;

SECTION 11. Provides for the changing of public and private records in accordance with the provisions of any order approving of a change in name.

SECTION 12. Provides for the annulment of any order which has been obtained by fraud or misrepresentation or for any improper purpose.

- (c) indicate the filing thereof wherever the order annulled in whole or in part, is entered in the index; and
- (d) send notices thereof to the Registrar-General of Vital Statistics who shall, without charge, make such alterations in his records of vital statistics as are necessary by reason of the order and to the Secretary of State for Canada.

Where
change
of name
annulled.

(7) Where a change of name has been annulled, the Registrar may by order require any person to whom a certificate has been issued under the provisions of section 10, to forthwith deliver up the certificate and any person who refuses or neglects to comply with such order shall be guilty of an offence and liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a period not exceeding three months.

Fraud or
misrepresentation.

Penalty,—

(8) Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months.

recovery of.

Rev. Stat.,
c. 136.

Compliance
with Act.

Rev. Stat.,
c. 88.

(9) The penalties imposed by this section may be recovered in the manner provided by *The Summary Convictions Act*.

13.—(1) Except in the case of a change of name to that of her husband by a woman upon her marriage, and subject to the provisions of section 27 of *The Vital Statistics Act*, no person shall change or attempt to change his name except under the provisions of this Act.

Exception.

(2) Nothing herein contained shall be deemed to affect any change of name effected under any right which existed at law prior to the coming into force of this Act.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

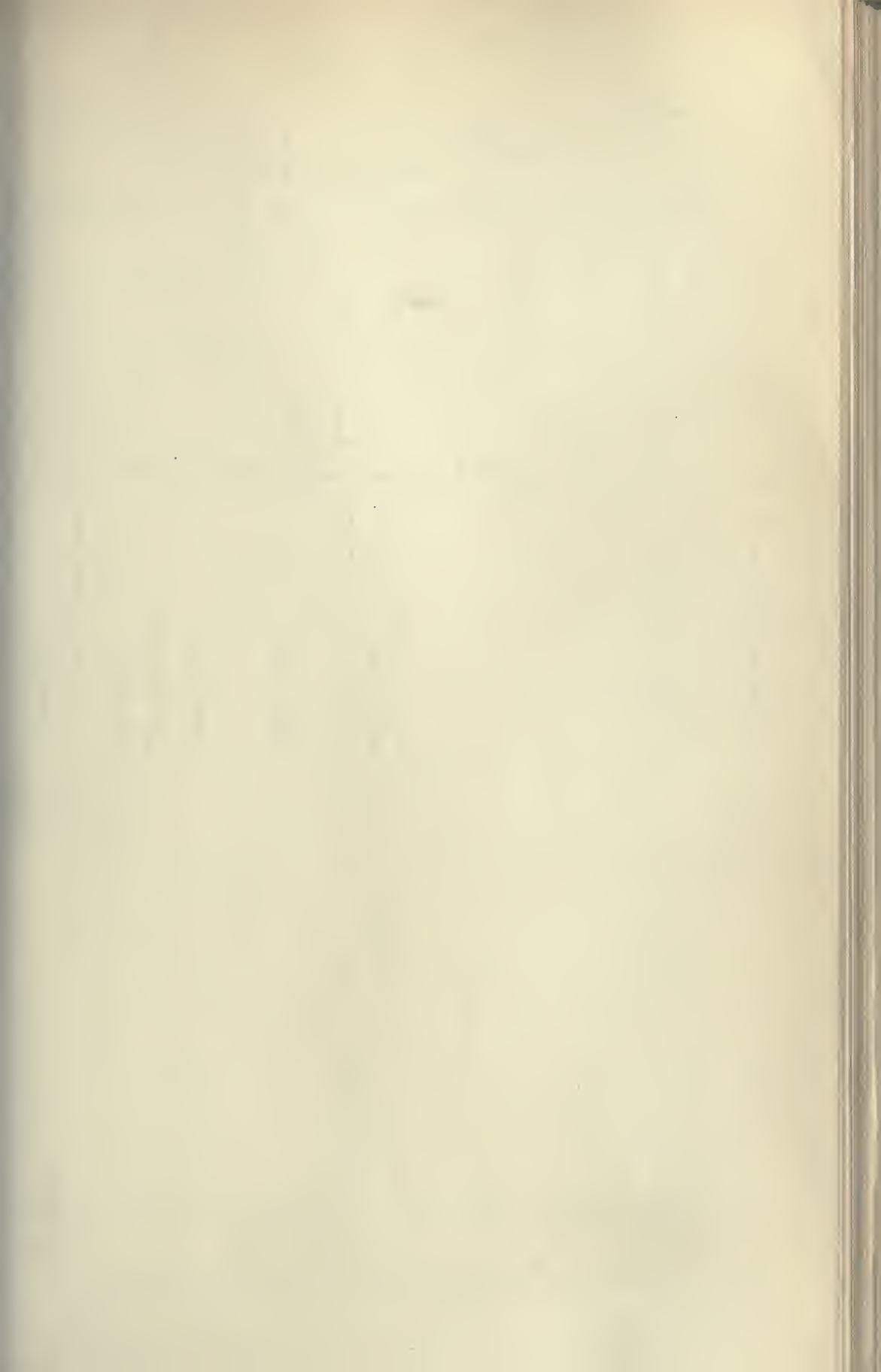
- (a) prescribing forms of applications, affidavits and certificates;
- (b) prescribing the fees payable upon any application and upon any certificate, search or other matter required or permitted to be given or done under this Act and to whom such fees shall be payable;
- (c) providing for the return of any fee upon an application or part of such fee where the application is refused; and
- (d) generally for the better carrying out of the provisions of this Act.

Short title.

15. This Act may be cited as *The Change of Name Act, 1939*.

SECTION 13. Except in the case of a change in name to that of her husband by a woman upon her marriage, no name shall be changed except in accordance with the provisions of this Act after the coming into force of the Act.

SECTION 15. The Lieutenant-Governor in Council is empowered to **make** regulations for the purposes of the Act.



An Act respecting the Changing
of Names.

1st Reading

April 4th, 1939

2nd Reading

3rd Reading

MR. HAGEY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Changing of Names.

MR. HAGEY

BILL

An Act respecting the Changing of Names.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

"Applicant."

(a) "Applicant" shall mean a person applying for a change of name under this Act;

"Applica-
tion."

(b) "Application" shall mean an application for a change of name under this Act;

"Change."

(c) "Change" shall mean any change by way of alteration, substitution, addition or abandonment;

"Child."

Rev. Stat.,
c. 218.

(d) "Child" shall include a child adopted under the provisions of *The Adoption Act*;

"Given
name."

(e) "Given name" shall include Christian name and baptismal name;

"Name."

(f) "Name" shall include given name and surname;

"Registrar."

(g) "Registrar" shall mean Registrar of the Supreme Court of Ontario; and

"Surname."

(h) "Surname" shall include family name and patronymic.

Application
for change
of name,—

2.—(1) Any person of the full age of twenty-one years, who is a British subject by birth or naturalization, except a married woman, may make an application for a change of name.

by married
man;

(2) If the applicant is a married man he shall also apply for a change of the names of his wife and of all of his or their unmarried infant children.

by widower
or widow.

(3) If the applicant is a widower or widow he or she shall also apply for a change of the names of all of his or her unmarried infant children.

EXPLANATORY NOTES

GENERAL. This Act provides the manner in which any person may change his name or the names of certain members of his family commencing at the date of the coming into force of this Act. It provides that a change of name may only be effected after the intended change has been advertised and has been approved by the order of a judge.

SECTION 1. Defines various terms used in the Act.

SECTION 2. Prescribes who may apply for a change of name and whose names he shall apply to have changed.

Consent of
wife and
children.

(4) Where an application includes an application for a change of the name of the wife of the applicant or of any of his or their unmarried infant children of the age of fourteen years or over, the consent in writing of all of such persons shall be obtained and all of such children shall appear personally upon the hearing of the application, provided that where a wife has, in the opinion of the judge, been living apart from her husband for a period of five years immediately prior to the making of the application the judge may hear the application in her absence and without her consent in which case no change of her name shall be effected.

Application
to judge.

3. Every application shall be made to a judge of the county or district court of the county or district in which the applicant has resided for a period of one year immediately prior to the first publication of notice of the application and shall be heard at such time and place as the judge may appoint in writing.

Particulars
of applica-
tion.

4.—(1) Every application shall set forth,—

- (a) the address and date and place of birth of the applicant and of any other person whose name is affected by the application;
- (b) the name in full of his father, and where the applicant is a married man, the name in full of his wife's father;
- (c) the maiden name^e in full of his mother, and where the applicant is a married man, the maiden name in full of his wife's mother;
- (d) that he is a British subject by birth or naturalization as the case may be;
- (e) his occupation, profession or calling;
- (f) whether he has been convicted of a criminal offence and the particulars of any such offence;
- (g) the name proposed to be adopted;
- (h) a statement whether any change in name has been effected previously either under the provisions of this Act or under any right which existed at law prior to the coming into force of this Act or otherwise;
- (i) the names, ages and other similar particulars of all other persons whose names the applicant desires to have changed; and

SECTION 3. Prescribes the court to which an application for a change of name shall be made.

SECTION 4. Prescribes the form of the application and the information to be contained therein.

- (j) a statement of the reasons for desiring such change of name.

Application
to be ac-
companied
by affidavit.

(2) Every application shall be accompanied by an affidavit of the applicant deposing that he has resided in the county or district in which the application is made for a period of not less than one year immediately prior to the first publication of the notice of application that the statements contained in the application are true and that the application is made by the applicant in good faith and for no improper purpose.

Notice of
application.

5.—(1) Every applicant shall publish in the *Ontario Gazette* and once in each week for three consecutive weeks in a newspaper having a general circulation in the locality in which he has resided for a period of one year immediately preceding the date of the first publication, a notice of application in which shall be stated the name and address and proposed name of every person whose name is sought to be changed by the application and the time and place of the hearing of such application.

Time of
application.

(2) No application shall be heard until the expiration of fourteen days after the date of the last publication of such notice.

Notice to
Attorney-
General.

(3) Copies of the appointment for hearing, the application and verifying affidavit and of all consents required under section 2, shall be served on the Attorney-General at least thirty days before the hearing of the application.

Documents
to be filed
with clerk
of the
court.

6. Every applicant shall file with the clerk of the court in which the application is made,—

- (a) the application, with affidavit referred to in subsection 2 of section 4, in duplicate;
- (b) all consents required under section 2;
- (c) an affidavit of the applicant proving publication of the notice of application;
- (d) the appointment for hearing;
- (e) if the applicant is a British subject by naturalization, a notorial copy of his naturalization certificate; and
- (f) proof of service upon the Attorney-General of copies of the appointment for hearing, the application with verifying affidavit, any consents required by section 2 and the naturalization certificate where the applicant is a British subject by naturalization.

Hearing
application.

7.—(1) At the time and place appointed by the judge for the hearing he may require the applicant and any person whose name the applicant seeks to change or any other person

SECTION 5. Provision is made for publication of notice of an intended application and also for service of notice on the Attorney-General.

SECTION 6. Provides that the application, with verifying affidavits, shall be filed in duplicate and prescribes the other documents which must be filed with the application.

SECTION 7. On the hearing of the application any person who desires to object to the change of name, or who desires to give the court any information, may appear and be heard. The court may hear *viva voce* evidence and in certain circumstances is required to refuse the application.

appearing on the hearing, to give evidence under oath and may examine or cross-examine any such person or permit such person to be examined or cross-examined.

Objections
may be
heard.

(2) Any person who desires to object to the change of name for which application is made and any person who desires to furnish the court with any information regarding the application or any circumstances connected therewith, may appear upon the hearing of the application and shall be heard.

Application
may be
refused.

(3) Where the judge is of opinion that the name which the applicant seeks to adopt is the same as the name of any other person or resembles the name of any other person to such an extent that the change applied for might reasonably cause mistake or confusion, or be a cause of embarrassment or inconvenience to such person, or that the change of name is sought for any improper purpose or is on any other ground objectionable or that the application should be refused for any other reason, he shall refuse the application.

Order
approving
of change.

8.—(1) Where the judge, upon consideration of the application, the affidavits filed and any other evidence adduced, is of opinion that the application should be granted, he may make an order approving of the change of name.

Scope of
order.

(2) An order made under this section may provide for such changes of names as the court may deem proper having regard to the nature of the application, the relationship and status of other persons mentioned in the application and all other relevant circumstances and every such order shall have effect according to the tenor thereof.

Certified
copy of
order to be
sent to
Registrar.

9.—(1) The clerk of the court shall enter the order in his office and shall send a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit, to the Registrar at Toronto.

Entry and
index by
Registrar.

(2) The Registrar shall number and file each certified order and application received by him and shall keep an index book of such orders and applications which shall be in two parts as follows,—

- (a) the first part of the index shall record alphabetically the names, prior to a change being effected, of all persons whose names have been changed under this Act; and
- (b) the second part of the index shall record alphabetically the names, as changed, of all persons whose names have been changed under this Act.

SECTION 8. Under proper circumstances the court may grant the application and make such order as may be necessary.

SECTION 9. The order shall be entered in the office of the clerk of the court and duplicate shall be sent to the Registrar of the Supreme Court at Toronto who shall cause it to be filed and properly indexed.

Notice of entry to be sent to Secretary of State and Registrar-General.

(3) Notices of every such order shall be sent forthwith by the Registrar to the Registrar-General of Vital Statistics who shall, without charge, alter his records of vital statistics in conformity therewith and to the Secretary of State for Canada.

Duplicate certificates issued to applicants.

10. Any person may, upon payment of the prescribed fee, obtain from the clerk of the court in which the order was made, or from the Registrar, a certificate of any order effecting a change of name, and such certificate shall for all purposes be conclusive evidence of its contents.

Substitution of new name in documents.

11. Without restricting the effect which a change of name may have at law, any person whose name has been changed under this Act shall, upon production of a certificate obtained under section 10 and upon satisfactory proof of identity, be entitled to have a memorandum of the change of name endorsed on any record, certificate, instrument, document, contract or writing, whether public or private, upon payment of such fee as may be prescribed therefor by or under any statute.

Application for annulment.

12.—(1) Any person who has reason to believe that any order effecting a change of name has been obtained by fraud or misrepresentation or for an improper purpose may apply to a judge of the county or district court in which such order was made for an annulment of the order.

Affidavit giving reasons.

(2) Every application for an annulment shall be accompanied by an affidavit of the person making the application in which his reasons for believing that such order was obtained by fraud or misrepresentation or for any improper purpose shall be set forth.

Hearing of application.

(3) The judge may refuse such application without hearing further representations or evidence or may direct that the person applying for the annulment and any other persons shall be heard at such time and place as the court may determine and that notice of the hearing shall be given to such persons and in such manner as the court may direct.

Annulment of order.

(4) If the judge is satisfied that the order was obtained by fraud or misrepresentation or for an improper purpose, he may order the annulment of the order in whole or in part.

Clerk to note annulment.

(5) The clerk of the court shall endorse a memorandum of such annulling order upon the entry of the order annulled in whole or in part and shall send a certified copy of the annulling order to the Registrar.

Duties of Registrar on annulment.

(6) The Registrar shall, upon receipt of a certified copy of an annulling order,—

- (a) file and index it in accordance with the provisions of subsection 2 of section 9;
- (b) endorse a memorandum thereof on the duplicate original of the order annulled in whole or in part;

SECTION 10. Provision is made for the furnishing of certificates of an order effecting a change of name.

SECTION 11. Provides for the changing of public and private records in accordance with the provisions of any order approving of a change in name.

SECTION 12. Provides for the annulment of any order which has been obtained by fraud or misrepresentation or for any improper purpose.

- (c) indicate the filing thereof wherever the order annulled in whole or in part, is entered in the index; and
- (d) send notices thereof to the Registrar-General of Vital Statistics who shall, without charge, make such alterations in his records of vital statistics as are necessary by reason of the order and to the Secretary of State for Canada.

Where
change
of name
annulled.

(7) Where a change of name has been annulled, the Registrar may by order require any person to whom a certificate has been issued under the provisions of section 10, to forthwith deliver up the certificate and any person who refuses or neglects to comply with such order shall be guilty of an offence and liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a period not exceeding three months.

Fraud or
misrepresentation.

Penalty,—

(8) Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months.

recovery of.

Rev. Stat.,
c. 136.

Compliance
with Act.

Rev. Stat.,
cc. 88, 218.

(9) The penalties imposed by this section may be recovered in the manner provided by *The Summary Convictions Act*.

13.—(1) Except in the case of a change of name to that of her husband by a woman upon her marriage, and subject to section 27 of *The Vital Statistics Act* and section 6 of *The Adoption Act*, no person shall change or attempt to change his name except under the provisions of this Act.

Exception.

(2) Nothing herein contained shall be deemed to affect any change of name effected under any right which existed at law prior to the coming into force of this Act.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing forms of applications, affidavits and certificates;
- (b) prescribing the fees payable upon any application and upon any certificate, search or other matter required or permitted to be given or done under this Act and to whom such fees shall be payable;
- (c) providing for the return of any fee upon an application or part of such fee where the application is refused; and
- (d) generally for the better carrying out of the provisions of this Act.

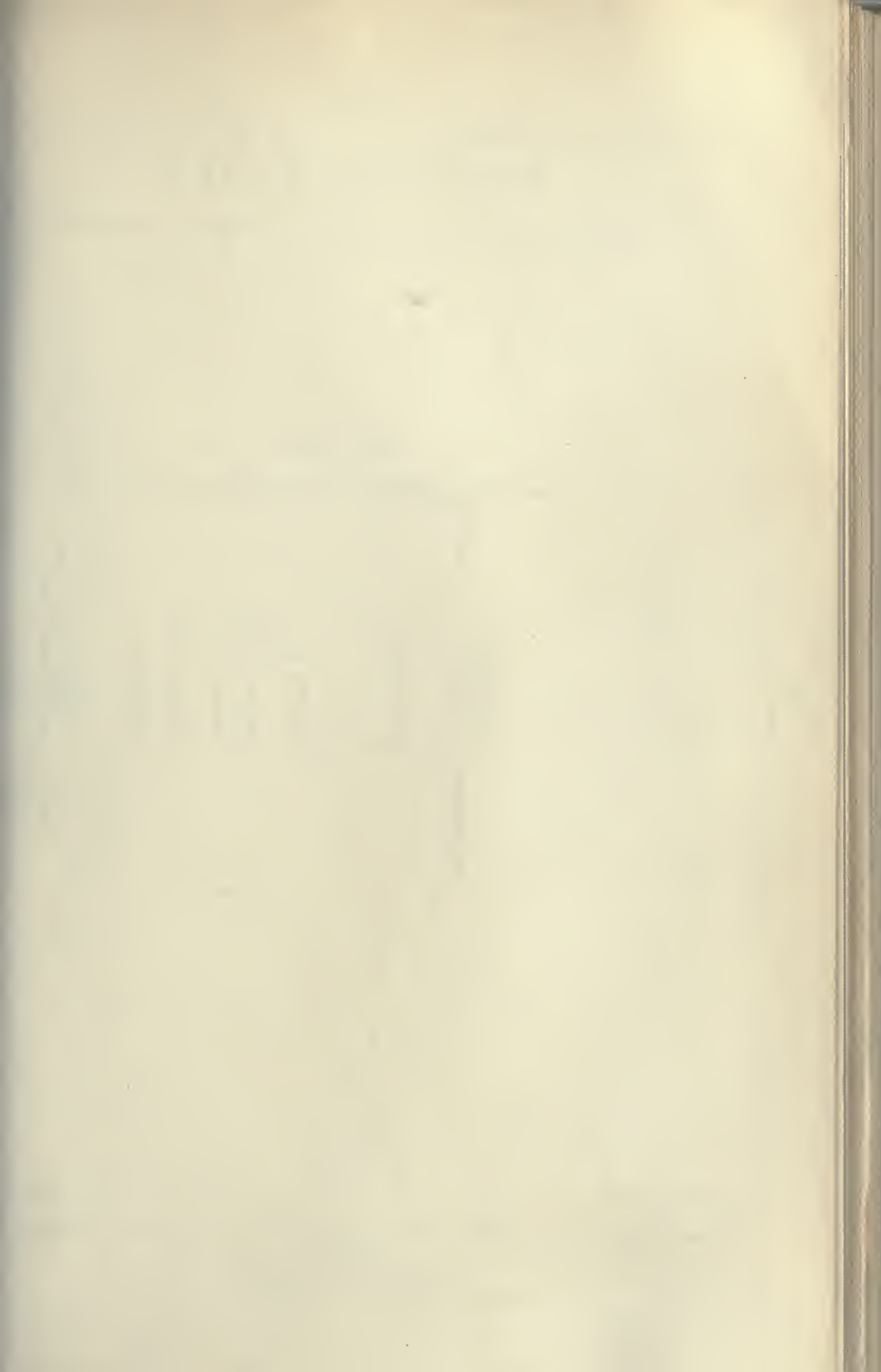
Short title.

15. This Act may be cited as *The Change of Name Act, 1939*.

SECTION 13. Except in the case of a change in name to that of her husband by a woman upon her marriage, no name shall be changed except in accordance with the provisions of this Act after the coming into force of the Act.

SECTION 15. The Lieutenant-Governor in Council is empowered to make regulations for the purposes of the Act.





BILL

An Act respecting the Changing
of Names.

1st Reading

April 4th, 1939

2nd Reading

April 5th, 1939

3rd Reading

MR. HAGEY

*(Reprinted as amended by Committee on
Legal Bills.)*

No. 69

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

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PRINTED BY T. E. BOWMAN
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Rev. Stat.,
c. 218.

(d) "Child" shall include a child adopted under the provisions of *The Adoption Act*;

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(e) "Given name" shall include Christian name and baptismal name;

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"Registrar."

(g) "Registrar" shall mean Registrar of the Supreme Court of Ontario; and

"Surname."

(h) "Surname" shall include family name and patronymic.

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(2) If the applicant is a married man he shall also apply for a change of the names of his wife and of all of his or their unmarried infant children.

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(3) If the applicant is a widower or widow he or she shall also apply for a change of the names of all of his or her unmarried infant children.

(4) Where an application includes an application for a ^{Consent of wife and children.} change of the name of the wife of the applicant or of any of his or their unmarried infant children of the age of fourteen years or over, the consent in writing of all of such persons shall be obtained and all of such children shall appear personally upon the hearing of the application, provided that where a wife has, in the opinion of the judge, been living apart from her husband for a period of five years immediately prior to the making of the application the judge may hear the application in her absence and without her consent in which case no change of her name shall be effected.

3. Every application shall be made to a judge of the ^{Application to judge.} county or district court of the county or district in which the applicant has resided for a period of one year immediately prior to the first publication of notice of the application and shall be heard at such time and place as the judge may appoint in writing.

4.—(1) Every application shall set forth,—

^{Particulars of application.}

- (a) the address and date and place of birth of the applicant and of any other person whose name is affected by the application;
- (b) the name in full of his father, and where the applicant is a married man, the name in full of his wife's father;
- (c) the maiden name in full of his mother, and where the applicant is a married man, the maiden name in full of his wife's mother;
- (d) that he is a British subject by birth or naturalization as the case may be;
- (e) his occupation, profession or calling;
- (f) whether he has been convicted of a criminal offence and the particulars of any such offence;
- (g) the name proposed to be adopted;
- (h) a statement whether any change in name has been effected previously either under the provisions of this Act or under any right which existed at law prior to the coming into force of this Act or otherwise;
- (i) the names, ages and other similar particulars of all other persons whose names the applicant desires to have changed; and

(j) a statement of the reasons for desiring such change of name.

Application
to be ac-
companied
by affidavit.

(2) Every application shall be accompanied by an affidavit of the applicant deposing that he has resided in the county or district in which the application is made for a period of not less than one year immediately prior to the first publication of the notice of application that the statements contained in the application are true and that the application is made by the applicant in good faith and for no improper purpose.

Notice of
application.

5.—(1) Every applicant shall publish in the *Ontario Gazette* and once in each week for three consecutive weeks in a newspaper having a general circulation in the locality in which he has resided for a period of one year immediately preceding the date of the first publication, a notice of application in which shall be stated the name and address and proposed name of every person whose name is sought to be changed by the application and the time and place of the hearing of such application.

Time of
application.

(2) No application shall be heard until the expiration of fourteen days after the date of the last publication of such notice.

Notice to
Attorney-
General.

(3) Copies of the appointment for hearing, the application and verifying affidavit and of all consents required under section 2, shall be served on the Attorney-General at least thirty days before the hearing of the application.

Documents
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6. Every applicant shall file with the clerk of the court in which the application is made,—

- (a) the application, with affidavit referred to in subsection 2 of section 4, in duplicate;
- (b) all consents required under section 2;
- (c) an affidavit of the applicant proving publication of the notice of application;
- (d) the appointment for hearing;
- (e) if the applicant is a British subject by naturalization, a notorial copy of his naturalization certificate; and
- (f) proof of service upon the Attorney-General of copies of the appointment for hearing, the application with verifying affidavit, any consents required by section 2 and the naturalization certificate where the applicant is a British subject by naturalization.

Hearing
application.

7.—(1) At the time and place appointed by the judge for the hearing he may require the applicant and any person whose name the applicant seeks to change or any other person

appearing on the hearing, to give evidence under oath and may examine or cross-examine any such person or permit such person to be examined or cross-examined.

(2) Any person who desires to object to the change of name for which application is made and any person who desires to furnish the court with any information regarding the application or any circumstances connected therewith, may appear upon the hearing of the application and shall be heard. ^{Objections may be heard.}

(3) Where the judge is of opinion that the name which the applicant seeks to adopt is the same as the name of any other person or resembles the name of any other person to such an extent that the change applied for might reasonably cause mistake or confusion, or be a cause of embarrassment or inconvenience to such person, or that the change of name is sought for any improper purpose or is on any other ground objectionable or that the application should be refused for any other reason, he shall refuse the application. ^{Application may be refused.}

8.—(1) Where the judge, upon consideration of the application, the affidavits filed and any other evidence adduced, is of opinion that the application should be granted, he may make an order approving of the change of name. ^{Order approving of change.}

(2) An order made under this section may provide for such changes of names as the court may deem proper having regard to the nature of the application, the relationship and status of other persons mentioned in the application and all other relevant circumstances and every such order shall have effect according to the tenor thereof. ^{Scope of order.}

9.—(1) The clerk of the court shall enter the order in his office and shall send a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit, to the Registrar at Toronto. ^{Certified copy of order to be sent to Registrar.}

(2) The Registrar shall number and file each certified order and application received by him and shall keep an index book of such orders and applications which shall be in two parts as follows,— ^{Entry and index by Registrar.}

- (a) the first part of the index shall record alphabetically the names, prior to a change being effected, of all persons whose names have been changed under this Act; and
- (b) the second part of the index shall record alphabetically the names, as changed, of all persons whose names have been changed under this Act.

Notice of entry to be sent to Secretary of State and Registrar-General.

(3) Notices of every such order shall be sent forthwith by the Registrar to the Registrar-General of Vital Statistics who shall, without charge, alter his records of vital statistics in conformity therewith, and to the Secretary of State for Canada.

Duplicate certificates issued to applicants.

10. Any person may, upon payment of the prescribed fee, obtain from the clerk of the court in which the order was made, or from the Registrar, a certificate of any order effecting a change of name, and such certificate shall for all purposes be conclusive evidence of its contents.

Substitution of new name in documents.

11. Without restricting the effect which a change of name may have at law, any person whose name has been changed under this Act shall, upon production of a certificate obtained under section 10 and upon satisfactory proof of identity, be entitled to have a memorandum of the change of name endorsed on any record, certificate, instrument, document, contract or writing, whether public or private, upon payment of such fee as may be prescribed therefor by or under any statute.

Application for annulment.

12.—(1) Any person who has reason to believe that any order effecting a change of name has been obtained by fraud or misrepresentation or for an improper purpose may apply to a judge of the county or district court in which such order was made for an annulment of the order.

Affidavit giving reasons.

(2) Every application for an annulment shall be accompanied by an affidavit of the person making the application in which his reasons for believing that such order was obtained by fraud or misrepresentation or for any improper purpose shall be set forth.

Hearing of application.

(3) The judge may refuse such application without hearing further representations or evidence or may direct that the person applying for the annulment and any other persons shall be heard at such time and place as the court may determine and that notice of the hearing shall be given to such persons and in such manner as the court may direct.

Annulment of order.

(4) If the judge is satisfied that the order was obtained by fraud or misrepresentation or for an improper purpose, he may order the annulment of the order in whole or in part.

Clerk to note annulment.

(5) The clerk of the court shall endorse a memorandum of such annulling order upon the entry of the order annulled in whole or in part and shall send a certified copy of the annulling order to the Registrar.

Duties of Registrar on annulment.

(6) The Registrar shall, upon receipt of a certified copy of an annulling order,—

- (a) file and index it in accordance with the provisions of subsection 2 of section 9;
- (b) endorse a memorandum thereof on the duplicate original of the order annulled in whole or in part;

- (c) indicate the filing thereof wherever the order annulled in whole or in part, is entered in the index; and
- (d) send notices thereof to the Registrar-General of Vital Statistics who shall, without charge, make such alterations in his records of vital statistics as are necessary by reason of the order, and to the Secretary of State for Canada.

(7) Where a change of name has been annulled, the Registrar may by order require any person to whom a certificate has been issued under the provisions of section 10, to forthwith deliver up the certificate and any person who refuses or neglects to comply with such order shall be guilty of an offence and liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a period not exceeding three months. Where change of name annulled.

(8) Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months. Fraud or misrepresentation. Penalty,—

(9) The penalties imposed by this section may be recovered in the manner provided by *The Summary Convictions Act*. recovery of. Rev. Stat., c. 136.

13.—(1) Except in the case of a change of name to that of her husband by a woman upon her marriage, and subject to section 27 of *The Vital Statistics Act* and section 6 of *The Adoption Act*, no person shall change or attempt to change his name except under the provisions of this Act. Compliance with Act. Rev. Stat., cc. 88, 218.

(2) Nothing herein contained shall be deemed to affect any change of name effected under any right which existed at law prior to the coming into force of this Act. Exception.

14. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) prescribing forms of applications, affidavits and certificates;
- (b) prescribing the fees payable upon any application and upon any certificate, search or other matter required or permitted to be given or done under this Act and to whom such fees shall be payable;
- (c) providing for the return of any fee upon an application or part of such fee where the application is refused; and
- (d) generally for the better carrying out of the provisions of this Act.

15. This Act may be cited as *The Change of Name Act*, Short title. 1939.

An Act respecting the Changing
of Names.

1st Reading

April 4th, 1939

2nd Reading

April 5th, 1939

3rd Reading

April 25th, 1939

MR. HAGEY

No. 70

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Municipal Amendment Act, 1939.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Municipal Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 14,
subs. 1,
amended.

1. Subsection 1 of section 14 of *The Municipal Act* is amended by inserting after the word "may" in the fifth line the word "by."

Rev. Stat.,
c. 266, s. 20,
repealed;
s. 23,
re-enacted.

2. Sections 20 and 23 of *The Municipal Act* are repealed and the following substituted therefor:

Powers of
Municipal
Board as to
amalgama-
tions and
annexations.

23.—(1) Upon the application of the corporation of any municipality, authorized by by-law of the council thereof, to have such municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of such municipality annexed to any other municipality or municipalities or to have the whole or any part or parts of any other municipality or municipalities annexed to such municipality, the Municipal Board may by order on such terms as it may deem expedient amalgamate such municipality with any other municipality or municipalities or annex to such municipality the whole or any part or parts of any other municipality or municipalities or annex the whole or any part or parts of such municipality to any other municipality or municipalities, and any such order may be made whether the area specified in such order be greater or smaller than the area specified in such application and whether or not any municipality or municipalities or any part or parts thereof which may by such order be amalgamated with or annexed to any other municipality or municipalities may have been specified in such application.

Assent of
electors.

(2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality.

EXPLANATORY NOTES

SECTION 1. Typographical correction only.

SECTION 2. The new section substituted for section 23 of *The Municipal Act* will broaden the powers of the Municipal Board with respect to annexations.

Public hearing to be held by Board.

- (3) The Municipal Board before making any order under subsection 1 shall hold a public hearing after such notice thereof has been given as the Municipal Board may direct for the purpose of enquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Municipal Board.

City or town may be erected.

- (4) If a municipality to which the whole or part of another municipality is annexed or a municipality created by an amalgamation under this section has the requisite population it may by such order be erected by the Municipal Board into a city or town bearing such name as the Municipal Board may direct.

Division into wards.

- (5) The Municipal Board may order a division or re-division of a municipality into wards if, in the opinion of the Municipal Board, the annexation or amalgamation renders such division or redivision necessary or desirable.

By-law to be submitted on petition.

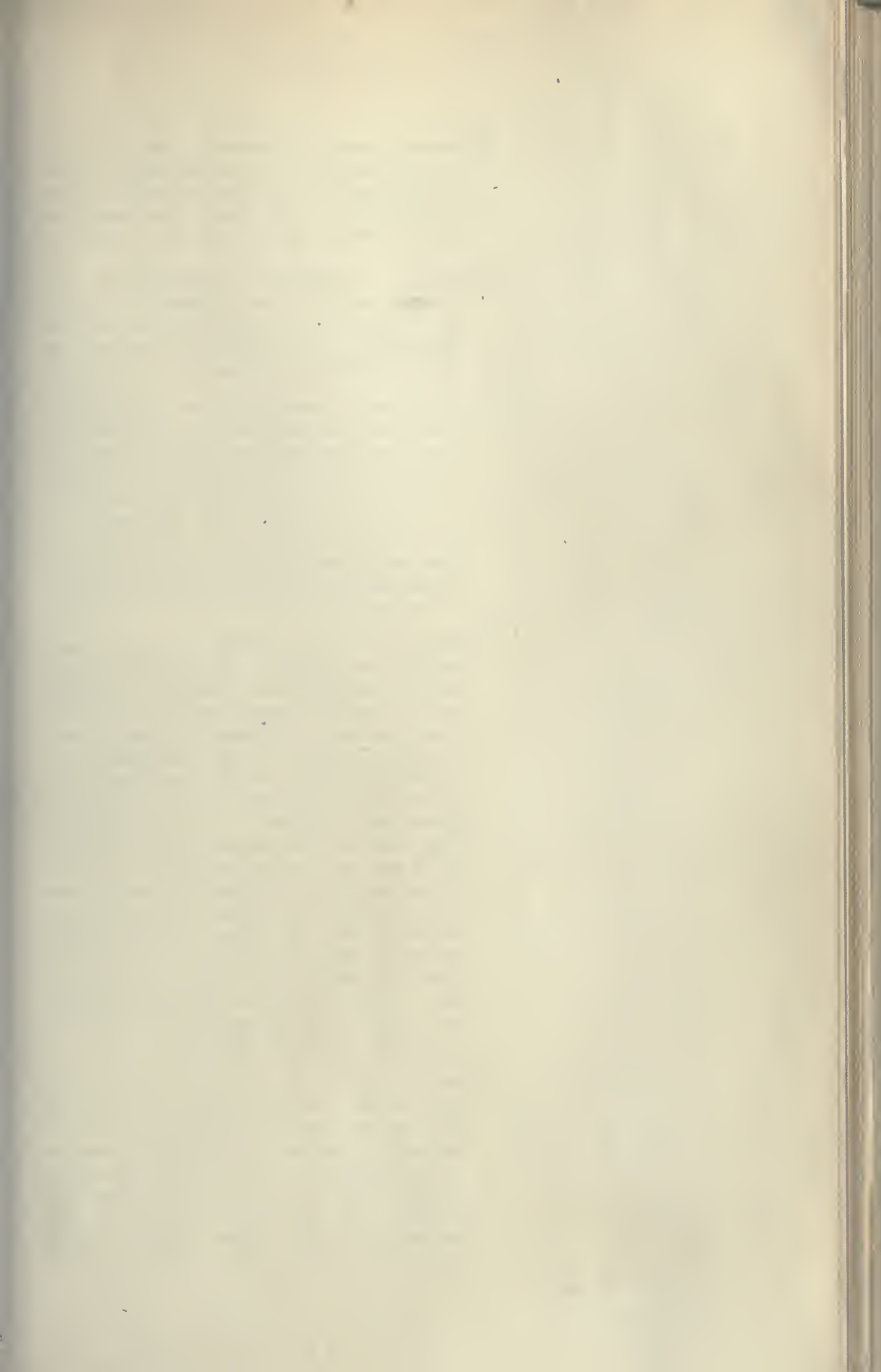
- (6) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of such city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or township, the council shall within four weeks after the presentation of the petition submit to the electors of the said city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if such by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 1.

Minister of Municipal Affairs may apply.

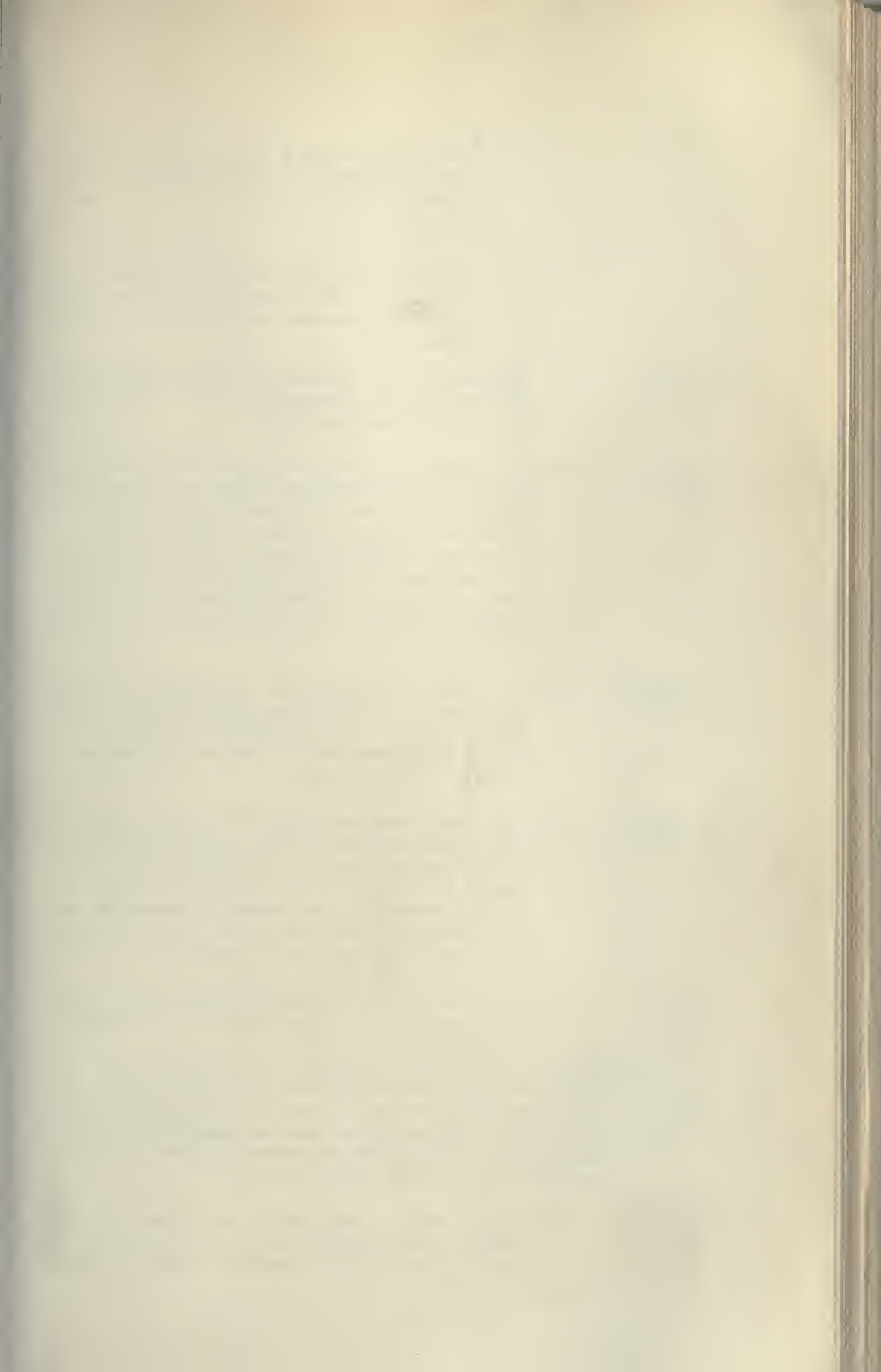
- (7) The Lieutenant-Governor in Council may authorize the Minister of Municipal Affairs to apply to the Municipal Board to have any municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of a municipality annexed to any other municipality or municipalities and in such case the Municipal Board shall have the same powers as if such application had been made by the corporation of a municipality under subsection 1.

Further powers of Municipal Board.

- (8) The Municipal Board may by any order made pursuant to any application under this section or by subsequent order or orders,—



- (a) make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (c) define special areas within the municipality as enlarged by such annexation or resulting from such amalgamation, having regard to the areas annexed thereto or amalgamated therein, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint a referee or referees who shall make inquiry and report to the Municipal Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, such report to be filed with the Municipal Board within such time as the Municipal Board may from time to time allow, and the Municipal Board shall consider such report and may hear such representations in respect thereto as it may see fit and may adopt, vary or amend such report or refer such report back to such referee or referees for further consideration, and the order of the Municipal Board adopting such report or varying or amending such report shall be final and conclusive and not open to question or appeal and shall be binding upon all municipalities and local boards affected thereby;
- (e) make all such provisions for the composition of councils and local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation or amalgamation becomes effective, the holding of elections, the fixing of days for first meetings of councils and local boards, the preparation of first voters' lists and assessment rolls, and for such other matters as it



may deem necessary to provide for the effective administration of the enlarged or amalgamated municipality or of any local board thereof;

- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.

Powers of referees.

- (9) Any referee or referees appointed under subsection 8 shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act*

Rev. Stat.,
c. 60.

Municipal Board may make rules, etc.

- (10) The Municipal Board may make such rules and regulations and issue such orders and directions in respect to any matter not specifically provided for in this section as it may deem necessary or desirable in connection with any such annexation or amalgamation and every such rule, regulation, order and direction shall be valid and binding upon all municipalities and local boards interested in or affected thereby.

No order if municipality in default.

- (11) No order of annexation or amalgamation of any municipality or any part thereof shall be made under this section at a time when such municipality is in default in payment of any interest or principal in respect of its debentures.

Provisions of this section to prevail.

- (12) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding anything contained in this or any special or general Act, and in the event of any conflict between the provisions of this section and the provisions of any special or general Act the provisions of this section shall prevail.

"Local board,"

Rev. Stat.,
c. 59.

- (13) In this section "local board" shall mean a local board as defined by *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 266, s. 48,
subs. 1,
amended.

3.—(1) Subsection 1 of section 48 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the town is entitled to" in the third and fourth lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection shall now read as follows:

Councils of towns in counties.

- (1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, a deputy reeve and

SECTION 3. Towns, villages and townships having more than 1,000 electors are entitled to a deputy reeve. (Section 51 (1) of *The Municipal Act*.) Legislation providing for additional deputy reeves in certain cases was repealed in 1931.

The present amendment affects no change in the law. It is complementary to the amendment of 1931.

three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards.

Rev. Stat.,
c. 266, s. 48,
subs. 3,
amended.

(2) Subsection 3 of the said section 48 is amended by striking out the words "as many deputy reeves as the town is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows:

Case of town
of not more
than 5,000.

(3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, a deputy reeve, and

.

Rev. Stat.,
c. 266,
s. 50,
subs. 1,
amended.

4. Subsection 1 of section 50 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the municipality is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve where so entitled," and by striking out the words "with the deputy reeves" in the fourth line, so that the said subsection shall now read as follows:

Councils of
villages and
townships.

(1) The council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up four in all, and they shall all be elected by general vote.

Rev. Stat.,
c. 266, s. 52,
subs. 1,
cl. *c*, re-
enacted.

5. Clause *c* of subsection 1 of section 52 of *The Municipal Act* is repealed and the following substituted therefor:

(*c*) is a British subject and has taken the oath of allegiance (Form 2A).

Rev. Stat.,
c. 266, s. 53,
subs. 1,
cl. *u*,
amended.

6. Clause *u* of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "income or" in the second line.

Rev. Stat.,
c. 266, s. 64,
amended.

7. Section 64 of *The Municipal Act* is amended by striking out the words "or deputy reeves" in the fourth and fifth lines so that the said section shall now read as follows:

Meeting for
nomination
of mayor,
controllers,
reeve,
deputy
reeve.

64. Subject to subsection 5 of section 65 and to sections 74, 75, and 76, a meeting of the electors shall take place for the nomination of candidates for mayor and controllers in cities and towns, and for reeve or reeve and deputy reeve in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon.

Sections 4, 7, 13 and 31 of this Bill achieve the same purpose.

SECTION 4. See note to section 3 of this Bill.

SECTION 5. Every candidate for municipal office will, in order to qualify, be required to take an oath of allegiance to His Majesty the King.

SECTION 6. As the municipal income tax is abolished, these words are superfluous and are therefore struck out.

SECTION 7. See note to section 3 of this Bill.

Rev. Stat.,
c. 266, s. 67,
amended.

8. Section 67 of *The Municipal Act* is amended by striking out the word "corporation" in the first line and inserting in lieu thereof the word "incorporation."

Rev. Stat.,
c. 266, s. 70,
subs. 4,
amended.

9. Subsection 4 of section 70 of *The Municipal Act* is amended by adding thereto the following clause:

- (a) The oath of allegiance shall form part of the declaration and shall be attached thereto.

Rev. Stat.,
c. 266, s. 88,
amended.

10. Section 88 of *The Municipal Act* is amended by inserting after the word "may" in the second line the word "fix."

Rev. Stat.,
c. 266,
s. 92,
subs. 2,
amended.

11. Subsection 2 of section 92 of *The Municipal Act* is amended by inserting after the word "person" where it occurs for the second time in the fourth line the words "whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or," so that the said subsection shall now read as follows:

Arrest of
person dis-
turbng the
peace.

- (2) A returning officer, a deputy returning officer or a justice of the peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting, as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or justice of the peace in the performance of his duties under this subsection.

Rev. Stat.,
c. 266,
s. 101,
amended.

12. Section 101 of *The Municipal Act* is amended by striking out the word "pole" in the fourth line and inserting in lieu thereof the word "poll."

Rev. Stat.,
c. 266,
s. 207,
subs. 4,
amended.

13. Subsection 4 of section 207 of *The Municipal Act* is amended by striking out the words "reeve, or in his absence the deputy reeve, or if there are more deputy reeves than one, the first deputy reeve," in the first, second and third lines and inserting in lieu thereof the words "head of the council," so that the said subsection shall now read as follows:

Case of
equality of
votes.

- (4) In case of an equality of votes, the head of the council of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote.

SECTION 8. Typographical correction only.

Sections 9, 29 and 30 of this Bill are complementary to this section.

SECTION 9. See note to section 5 of this Bill.

SECTION 10. Typographical correction only.

SECTION 11. This amendment is designed to give a practical means of enforcing the provisions of *The Municipal Act* respecting personation at municipal elections. Clause *g* of section 151 of *The Municipal Act* makes it an offence to apply for a ballot paper in the name of another person whether the name is that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name, or votes oftener than he is entitled to. The maximum penalty is two years in the case of a returning officer or other officer engaged in the election and six months in the case of other persons.

Experience has shown that there is not at present an effective means of apprehending persons guilty of such offence.

SECTION 12. Typographical correction.

SECTION 13. See note to section 3 of this Bill.

Rev. Stat.,
c. 266,
s. 258,
heading re-
pealed.

14.—(1) The heading immediately preceding section 258 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
s. 258,
subs. 1,
amended.

(2) Subsection 1 of the said section 258 is amended by adding at the commencement thereof the words "Except as provided in subsection 5," so that the said subsection shall now read as follows:

Publication
of state-
ments of
assets and
liabilities.

(1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and expenditures of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last fifteen days of the next preceding year.

Rev. Stat.,
c. 266, s. 258,
subs. 5,
amended.

(3) Subsection 5 of the said section 258 is amended by striking out the words "the nomination meeting is held on the last Monday in November, and polling on the first Monday in December as provided by section 76" in the second, third and fourth lines, and substituting therefor the words "a by-law passed under section 76 or 77 is in force," so that the said subsection shall now read as follows:

Holding
meeting and
publishing
statement
where early
nominations.

(5) The council of every town, village and township in which a by-law passed under section 76 or 77 is in force shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1 and a similar statement respecting the last forty-six days of the next preceding year and the time for publishing, posting up, printing and transmitting the statements as provided by subsections 3 and 4 shall be the 24th day of November.

Rev. Stat.,
c. 266, s. 259,
amended.

15. Section 259 of *The Municipal Act* is amended by inserting immediately preceding the said section the following heading:

*Duties of Officers Respecting Oaths
and Declarations.*

Rev. Stat.,
c. 266, s. 284,
subs. 1,
amended.

16. Subsection 1 of section 284 of *The Municipal Act* is amended by striking out the figures "286" in the sixth line and inserting in lieu thereof the figures "285."

Rev. Stat.,
c. 266, s. 305,
subs. 1,
amended.

17. Subsection 1 of section 305 of *The Municipal Act* is amended by adding thereto the following clause:

SECTION 14—Subsection 1. Typographical correction only.

Subsection 2. The words added are for clarification only.

Subsection 3. This amendment will enable councils to publish the required financial statements in every instance. No change in principle is effected. The amendment is corrective only.

SECTION 15. Typographical correction only. Complementary to section 14 (1) of this Bill.

SECTION 16. Typographical correction only.

SECTION 17. It is considered that a money by-law should recite the fact that it has been approved by the Municipal Board, as required by section 70 of *The Ontario Municipal Board Act*.

Approval of
Municipal
Board, Rev.
Stat., c. 60.

(e) the approval of the Municipal Board as required by section 70 of *The Ontario Municipal Board Act*.

Rev. Stat.,
c. 266, s. 364,
(1938, c. 23,
s. 4),
amended.

18.—(1) Section 364 of *The Municipal Act* as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)* is amended by adding thereto the following subsections:

Application
of section.

(7) Upon the passing of a by-law, or where any by-law has heretofore been passed as provided by subsection 1, the provisions of this section and of sections 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 378 and 383 shall *mutatis mutandis* apply to the board of commissioners of police constituted by such by-law.

Powers of
board.

(8) Upon the passing of a by-law as provided by subsection 1, the board of commissioners of police so constituted shall have the control of the constables and police force to the same extent as if appointed by the board under the provisions of section 371.

Section retro-
active in
application.

(2) The provisions of this section shall apply to the board of commissioners of police heretofore or hereafter constituted by by-law of any municipality.

Rev. Stat.,
c. 266, s. 370,
amended.

19. Section 370 of *The Municipal Act* is amended by inserting after the word "in" where it occurs the second time in the first line the words "townships, counties and," so that the said section shall now read as follows:

Police force
in cities,
townships,
counties and
towns.

370. The police force in cities, and in townships, counties and towns having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required.

Rev. Stat.,
c. 266, s. 377,
re-enacted.

20. Section 377 of *The Municipal Act* is repealed and the following substituted therefor:

County and
township
constables.

377. The council of a county not having a board, and of a township not having a board, may appoint one or more constables, and in the case of a township, whether or not a board has been constituted, the remuneration of such constable or constables may, if the council deems proper, be paid by a rate levied on any defined section or area of the township.

Rev. Stat.,
c. 266, s. 404,
par. 6, re-
enacted.

21.—(1) Paragraph 6 of section 404 of *The Municipal Act* and the heading immediately preceding the said paragraph are repealed and the following substituted therefor:

SECTION 18—Subsection 1. The proposed subsections 7 and 8 of section 305 of *The Municipal Act* provide that the appropriate sections of *The Municipal Act* shall apply to boards of police commissioners.

Subsection 2. Self-explanatory.

SECTIONS 19 AND 20. Sections 370 and 377 of *The Municipal Act* are amended so that they will be consistent, whether with respect to a city, town, county or township board of police commissioners.

SECTION 21—Subsection 1. At present paragraph 6 of section 404 and section 412 of *The Municipal Act* deal with the powers of councils to offer rewards in respect to crime. Difficulty has been experienced in interpreting these provisions. It is considered advisable to repeal all the existing provisions on this subject and substitute a new provision of wide scope.

Rewards.

Offering and
paying
rewards.

6. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment.

Rev. Stat.,
c. 266, s. 404,
amended.

- (2) The said section 404 is further amended by adding thereto the following paragraph:

Pensions for
employees —
how
provided.

R.S.C., c. 7.

Rev. Stat.,
c. 256.

- 41a. Upon the petition of not less than seventy-five per centum of the employees or any class thereof, for providing by arrangement with His Majesty pursuant to the *Government Annuities Act* (Canada) or by contract with an insurer licensed under *The Insurance Act*, pensions for employees or any class thereof and their wives and children.

Interpre-
tation.

- (a) In this paragraph,—

"Employee."

- (i) "Employee" shall mean any salaried officer, clerk, workman, servant or other person in the full-time employ of the municipality or of a local board, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable, and except employees to whom *The Power Commission Insurance Act* is applicable;

Rev. Stat.,
c. 366.

Rev. Stat.,
c. 67.

"Local
board."

- (ii) "Local board" shall include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof;

"Pensions."

- (iii) "Pensions" shall include any form of superannuation or benefit.

Approval by
Department.

- (b) No by-law passed under this paragraph shall become operative until approved by the Department.

Subsection 2. These new provisions enable municipal employees to have pensions.

Contributions to be deemed current expenditures.

- (c) Payments or contributions made by a municipality under this paragraph shall be deemed to be current expenditures.

Contributions to be deducted from salary, etc.

- (d) The municipality or local board shall deduct by instalments from the salary, wages or other remuneration of every employee to whom the by-law is applicable the amount which the employee is by the by-law required to contribute.

Deducted amounts to be paid to treasurer.

- (e) The local board shall, on behalf of every employee thereof to whom the by-law is applicable, pay to the treasurer of the municipality the amounts deducted under clause *d*.

Rev. Stat., c. 266, s. 404, amended.

- (3) The said section 404 is further amended by adding thereto the following heading and paragraph:

Insurance.

52. For contracting for insurance against risks that may involve pecuniary loss or liability on the part of the corporation, and for paying premiums therefor.

Rev. Stat., c. 266, s. 405, par 1, amended.

- 22.** Paragraph 1 of section 405 of *The Municipal Act* is amended by adding thereto the following clause:

- (aa) No by-law shall be passed granting a fixed assessment in respect of a business which has at any time theretofore enjoyed a fixed assessment of the same property.

Rev. Stat., c. 266, s. 406, par 2, cl. a, amended.

- 23.** Clause *a* of paragraph 2 of section 406 of *The Municipal Act* is amended by striking out the word "city" in the sixth line and inserting in lieu thereof the word "municipal."

Rev. Stat., c. 266, s. 412, repealed.

- 24.** Section 412 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 413, repealed.

- 25.** Section 413 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 414, par. 11, amended.

- 26.** Paragraph 11 of section 414 of *The Municipal Act* is amended by adding thereto the following clause:

- (a) This paragraph shall not apply to superannuation and benefit funds established after the 1st day of May, 1939.

Rev. Stat., c. 266, s. 480, amended.

- 27.** Section 480 of *The Municipal Act* is amended by adding thereto the following subsection:

Subsection 3. Doubt has been experienced as to the power of municipalities to contract and pay for insurance for municipal risks. The new paragraph 52 of section 404 of *The Municipal Act* will remove such doubt.

SECTION 22. The effect of the decision of the Court of Appeal in re *Gordon v. DeLaval Co. Ltd.* (1938), O.R. 462 is that the council of a municipality may grant a new and further fixed assessment on the expiry of the first period of fixed assessment.

The amendment will allow only one period of fixed assessment.

SECTION 23. The word "city" is not appropriate in clause *a* of paragraph 2 of section 406 of *The Municipal Act* because such by-laws may be passed by the council of any urban municipality or of any township adjoining any municipality. The word "municipal" is therefore substituted.

SECTION 24. See note to section 21 (1).

SECTION 25. This section has become obsolete as the matter of night lights on vehicles is now fully covered under *The Highway Traffic Act*.

SECTION 26. The purpose of this amendment is to limit grants in aid to funds already in existence. Henceforth the matter will be dealt with under paragraph 41*a* of section 404 of *The Municipal Act*, enacted by subsection 2 of section 21 of this Bill.

SECTION 27. A recent judgment of the Court of Appeal holds that the erection and maintenance of barriers, guard rails, etc., along a highway is a responsibility of the body responsible for the maintenance of the highway. It is considered that such responsibility is too onerous. A similar provision appears as section 6 of Bill No. 59, *An Act to Amend The Highway Traffic Act*.

Insufficiency
of fences,
etc.

(2a) No action shall be brought against a corporation for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier, or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or object adjacent to or in, along or upon any highway or any part thereof not within the travelled portion of such highway.

Rev. Stat.,
c. 266, s. 531,
subs. 6, note,
amended.

28.—(1) The note to subsection 6 of section 531 of *The Municipal Act* is amended by striking out the figures "259" and inserting in lieu thereof the figures "70."

(2) The note to subsection 8 of the said section 531 is repealed.

Rev. Stat.,
c. 266,
Form 2,
amended.

29. Form 2 of *The Municipal Act* is amended by adding thereto the following paragraph:

6. I have taken the oath of allegiance (Form 2A), which I attach hereto.

Rev. Stat.,
c. 266,
amended.

30. *The Municipal Act* is amended by adding thereto the following form:

FORM 2A.

I, *A.B.*, a candidate for election to the office of in the municipality of do swear that I will be faithful and bear true allegiance to His Majesty King George VI (or the reigning sovereign for the time being).

Sworn before me at the.....	}	<i>A.B.</i>
.....of.....		
in the.....of.....		
this.....day of.....		
.....19.....		

Rev. Stat.,
c. 266,
Form 18, re-
enacted.

31. Form 18 of *The Municipal Act* is repealed and the following substituted therefor:

FORM 18.

CERTIFICATE OF CLERK AS TO ELECTION OF REEVE AND DEPUTY REEVE (IF ANY).

I, *A.B.*, of, Clerk of the Corporation of in the County of, do hereby certify under my hand and the seal of the said Corporation that *X.Y.* was duly elected reeve (or deputy reeve) of the said town (township or village, as the case may be), and has made and subscribed the declaration of office and qualification as such reeve (or deputy reeve).

A.B.

SECTION 28—Subsection 1. Typographical correction only.

Subsection 2. This note is not appropriate. It is therefore repealed.

SECTIONS 29 AND 30. See note to section 5 of this Bill. These amendments are complementary.

■ SECTION 31. See note to section 3 of this Bill. This amendment is complementary.

The Municipal Amendment Act, 1939

1st Reading

April 6th, 1939

2nd Reading

3rd Reading

MR. CROSS

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Municipal Amendment Act, 1939.

MR. CROSS

(Reprinted for consideration of the Committee of the Whole House, containing the sections of Bills 60 and 66 as approved and reported by the Municipal Law Committee, and certain Amendments proposed by Mr. Cross.)

BILL

The Municipal Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 14,
subs. 1,
amended.

1. Subsection 1 of section 14 of *The Municipal Act* is amended by inserting after the word "may" in the fifth line the word "by."

Rev. Stat.,
c. 266, s. 20,
repealed;
s. 23,
re-enacted.

2. Section 23 of *The Municipal Act* is repealed and the following substituted therefor:

Powers of
Municipal
Board as to
amalgama-
tions and
annexations.

23.—(1) Upon the application of the corporation of any municipality, authorized by by-law of the council thereof, to have such municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of such municipality annexed to any other municipality or municipalities or to have the whole or any part or parts of any other municipality or municipalities annexed to such municipality, the Municipal Board may by order on such terms as it may deem expedient amalgamate such municipality with any other municipality or municipalities or annex to such municipality the whole or any part or parts of any other municipality or municipalities or annex the whole or any part or parts of such municipality to any other municipality or municipalities, and any such order may be made whether the area specified in such order be greater or smaller than the area specified in such application and whether or not any municipality or municipalities or any part or parts thereof which may by such order be amalgamated with or annexed to any other municipality or municipalities may have been specified in such application.

Assent of
electors.

(2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality.

SPECIAL NOTE

The underlined words in this Bill are the amendments proposed by Mr. Cross.

The sections of Bills 60 and 66 as amended and approved by the Municipal Law Committee are included in this Bill (see Explanatory Notes) and the sections renumbered.

EXPLANATORY NOTES

SECTION 1. Typographical correction only.

SECTION 2. The new section substituted for section 23 of *The Municipal Act* will broaden the powers of the Municipal Board with respect to annexations.

Public hearing to be held by Board.

- (3) The Municipal Board before making any order under subsection 1 shall hold a public hearing after such notice thereof has been given as the Municipal Board may direct for the purpose of enquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Municipal Board.

City or town may be erected.

- (4) If a municipality to which the whole or part of another municipality is annexed or a municipality created by an amalgamation under this section has the requisite population it may by such order be erected by the Municipal Board into a city or town bearing such name as the Municipal Board may direct.

Division into wards.

- (5) The Municipal Board may order a division or re-division of a municipality into wards if, in the opinion of the Municipal Board, the annexation or amalgamation renders such division or redivision necessary or desirable.

By-law to be submitted on petition.

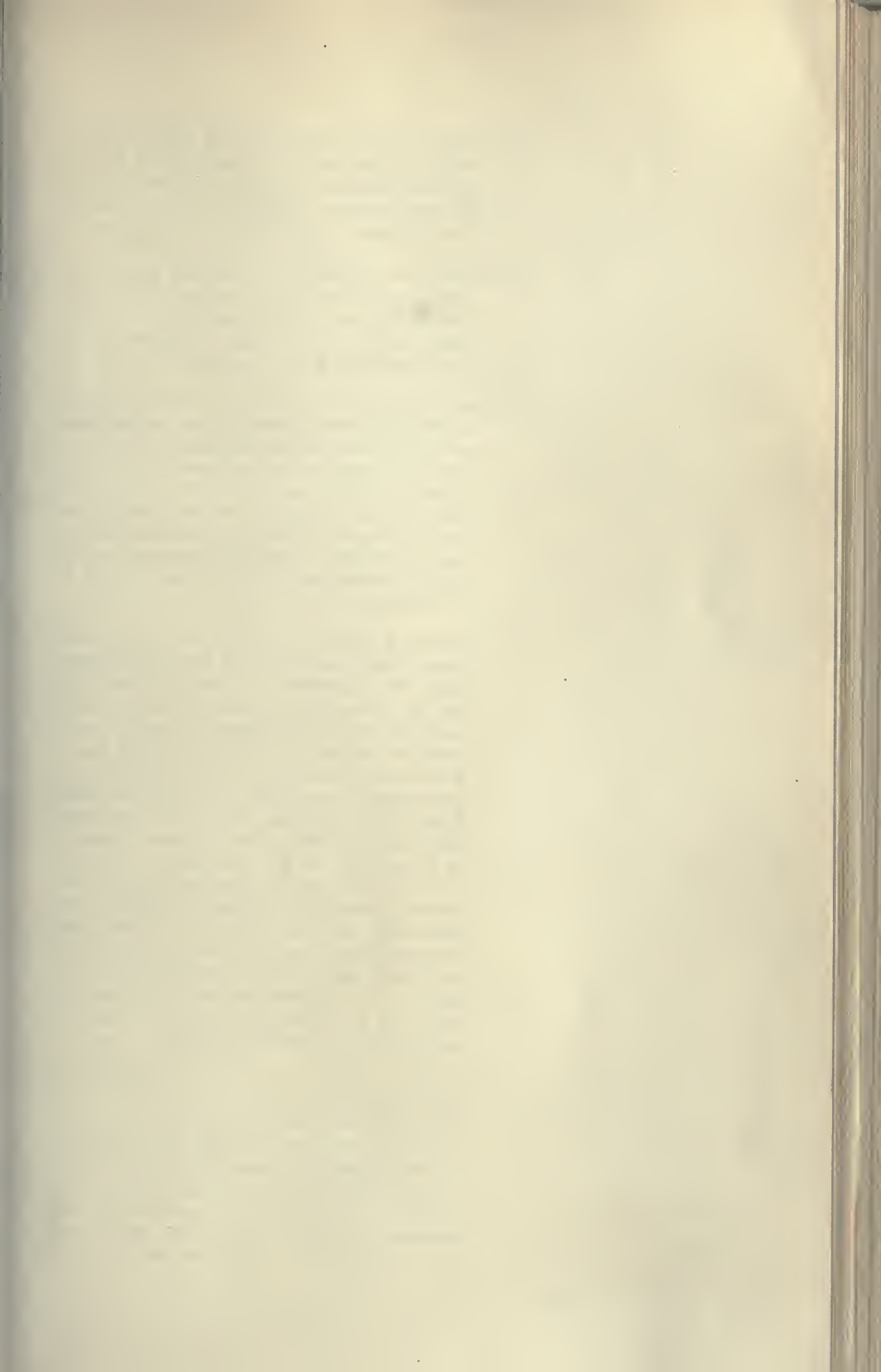
- (6) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of such city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or township, the council shall within four weeks after the presentation of the petition submit to the electors of the said city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if such by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 1.

Minister of Municipal Affairs may apply.

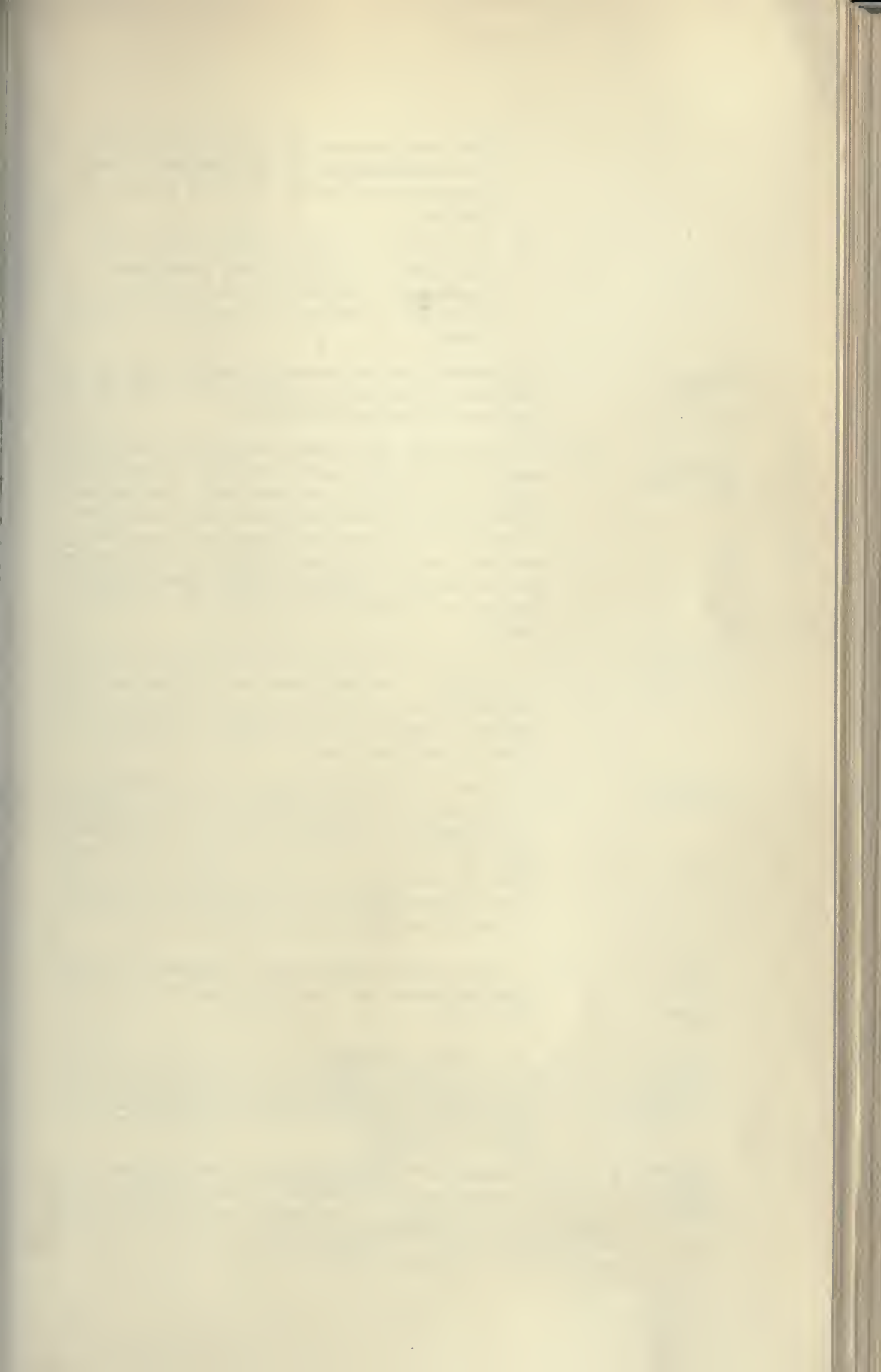
- (7) The Lieutenant-Governor in Council may authorize the Minister of Municipal Affairs to apply to the Municipal Board to have any municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of a municipality annexed to any other municipality or municipalities and in such case the Municipal Board shall have the same powers as if such application had been made by the corporation of a municipality under subsection 1.

Further powers of Municipal Board.

- (8) The Municipal Board may by any order made pursuant to any application under this section or by subsequent order or orders,—



- (a) make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (c) define special areas within the municipality as enlarged by such annexation or resulting from such amalgamation, having regard to the areas annexed thereto or amalgamated therein, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint a referee or referees who shall make inquiry and report to the Municipal Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, such report to be filed with the Municipal Board within such time as the Municipal Board may from time to time allow, and the Municipal Board shall consider such report and may hear such representations in respect thereto as it may see fit and may adopt, vary or amend such report or refer such report back to such referee or referees for further consideration, and the order of the Municipal Board adopting such report or varying or amending such report shall be final and conclusive and not open to question or appeal and shall be binding upon all municipalities and local boards affected thereby;
- (e) make all such provisions for the composition of councils and local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation or amalgamation becomes effective, the holding of elections, the fixing of days for first meetings of councils and local boards, the preparation of first voters' lists and assessment rolls, and for such other matters as it



may deem necessary to provide for the effective administration of the enlarged or amalgamated municipality or of any local board thereof;

- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.

Powers of referees.

- (9) Any referee or referees appointed under subsection 8 shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act*.

Rev. Stat., c. 60.

Municipal Board may make rules, etc.

- (10) The Municipal Board may make such rules and regulations and issue such orders and directions in respect to any matter not specifically provided for in this section as it may deem necessary or desirable in connection with any such annexation or amalgamation and every such rule, regulation, order and direction shall be valid and binding upon all municipalities and local boards interested in or affected thereby.

No order if municipality in default.

- (11) No order of annexation or amalgamation of any municipality or any part thereof shall be made under this section at a time when such municipality is in default in payment of any interest or principal in respect of its debentures.

Provisions of this section to prevail.

- (12) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding anything contained in this or any other special or general Act, and in the event of any conflict between the provisions of this section and the provisions of this or any other special or general Act the provisions of this section shall prevail.

"Local board,"

Rev. Stat., c. 59.

- (13) In this section "local board" shall mean a local board as defined by *The Department of Municipal Affairs Act*.

Time of coming into force of annexation or amalgamation order.

- (14) Any order of annexation or amalgamation made under subsection 1 shall take effect only if and when confirmed by Act of this Legislature and on the day named in such Act.

Rev. Stat., c. 266, s. 48, subs. 1, amended.

3.—(1) Subsection 1 of section 48 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the town is entitled to" in the third and fourth lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection shall now read as follows:

SECTION 3. Towns, villages and townships having more than 1,000 electors are entitled to a deputy reeve. (Section 51 (1) of *The Municipal Act*.) Legislation providing for additional deputy reeves in certain cases was repealed in 1931.

The present amendment affects no change in the law. It is complementary to the amendment of 1931.

Sections 4, 7, 13 and 36 of this Bill achieve the same purpose.

Councils of
towns in
counties.

- (1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, a deputy reeve and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards.

Rev. Stat.,
c. 266, s. 48,
subs. 3,
amended.

- (2) Subsection 3 of the said section 48 is amended by striking out the words "as many deputy reeves as the town is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows:

Case of town
of not more
than 5,000.

- (3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, a deputy reeve, and

.

Rev. Stat.,
c. 266,
s. 50,
subs. 1,
amended.

4. Subsection 1 of section 50 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the municipality is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve where so entitled," and by striking out the words "with the deputy reeves four" in the fourth line, and inserting in lieu thereof the word "five" so that the said subsection shall now read as follows:

Councils of
villages and
townships.

- (1) The council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

Rev. Stat.,
c. 266, s. 52,
subs. 1,
cl. c, re-
enacted.

5. Clause *c* of subsection 1 of section 52 of *The Municipal Act* is repealed and the following substituted therefor:

(c) is a British subject and has taken the oath of allegiance (Form 2A).

Rev. Stat.,
c. 266, s. 53,
subs. 1,
cl. u,
amended.

6. Clause *u* of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "income or" in the second line.

Rev. Stat.,
c. 266, s. 64,
amended.

7. Section 64 of *The Municipal Act* is amended by striking out the words "or deputy reeves" in the fourth and fifth lines so that the said section shall now read as follows:

Meeting for
nomination
of mayor,
controllers,
reeve,
deputy
reeve.

64. Subject to subsection 5 of section 65 and to sections 74, 75, and 76, a meeting of the electors shall take place for the nomination of candidates for mayor

SECTION 4. See note to section 3 of this Bill.

SECTION 5. Every candidate for municipal office will, in order to qualify, be required to take an oath of allegiance to His Majesty the King.

Sections 9, 34 and 35 of this Bill are complementary to this section.

SECTION 6. As the municipal income tax is abolished, these words are superfluous and are therefore struck out.

SECTION 7. See note to section 3 of this Bill.

and controllers in cities and towns, and for reeve or reeve and deputy reeve in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon.

Rev. Stat.,
c. 266, s. 67,
amended.

8. Section 67 of *The Municipal Act* is amended by striking out the word "corporation" in the first line and inserting in lieu thereof the word "incorporation."

Rev. Stat.,
c. 266, s. 70,
subs. 4,
amended.

9. Subsection 4 of section 70 of *The Municipal Act* is amended by adding thereto the following clause:

(a) The oath of allegiance shall form part of the declaration and shall be attached thereto.

Rev. Stat.,
c. 266, s. 88,
amended.

10. Section 88 of *The Municipal Act* is amended by inserting after the word "may" in the second line the word "fix."

Rev. Stat.,
c. 266,
s. 92,
subs. 2,
amended.

11. Subsection 2 of section 92 of *The Municipal Act* is amended by inserting after the word "person" where it occurs for the second time in the fourth line the words "whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or," so that the said subsection shall now read as follows:

Arrest of
person dis-
turb the
peace.

(2) A returning officer, a deputy returning officer or a justice of the peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting, as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or justice of the peace in the performance of his duties under this subsection.

Rev. Stat.,
c. 266,
s. 101,
amended.

12. Section 101 of *The Municipal Act* is amended by striking out the word "pole" in the fourth line and inserting in lieu thereof the word "poll."

Rev. Stat.,
c. 266,
s. 207,
subs. 4,
amended.

13. Subsection 4 of section 207 of *The Municipal Act* is amended by striking out the words "reeve, or in his absence the deputy reeve, or if there are more deputy reeves than one, the first deputy reeve," in the first, second and third lines and inserting in lieu thereof the words "head of the council," so that the said subsection shall now read as follows:

SECTION 8. Typographical correction only.

SECTION 9. See note to section 5 of this Bill.

SECTION 10. Typographical correction only.

SECTION 11. This amendment is designed to give a practical means of enforcing the provisions of *The Municipal Act* respecting personation at municipal elections. Clause *g* of section 151 of *The Municipal Act* makes it an offence to apply for a ballot paper in the name of another person whether the name is that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name, or votes oftener than he is entitled to. The maximum penalty is two years in the case of a returning officer or other officer engaged in the election and six months in the case of other persons.

Experience has shown that there is not at present an effective means of apprehending persons guilty of such offence.

SECTION 12. Typographical correction.

SECTION 13. See note to section 3 of this Bill.

Case of
equality of
votes.

- (4) In case of an equality of votes, the head of the council of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote.

Rev. Stat.,
c. 266,
s. 258,
heading re-
pealed.

14.—(1) The heading immediately preceding section 258 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
s. 258,
subs. 1,
amended.

(2) Subsection 1 of the said section 258 is amended by adding at the commencement thereof the words "Except as provided in subsection 5" and by striking out the word "expenditures" in the fourth line and substituting therefor the word "disbursements," so that the said subsection shall now read as follows:

Publication
of state-
ments of
assets and
liabilities.

- (1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and disbursements of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last fifteen days of the next preceding year.

Rev. Stat.,
c. 266, s. 258,
subs. 5,
amended.

(3) Subsection 5 of the said section 258 is amended by striking out the words "the nomination meeting is held on the last Monday in November, and polling on the first Monday in December as provided by section 76" in the second, third and fourth lines, and substituting therefor the words "a by-law passed under section 76 or 77 is in force," so that the said subsection shall now read as follows:

Holding
meeting and
publishing
statement
where early
nominations.

- (5) The council of every town, village and township in which a by-law passed under section 76 or 77 is in force shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1 and a similar statement respecting the last forty-six days of the next preceding year and the time for publishing, posting up, printing and transmitting the statements as provided by subsections 3 and 4 shall be the 24th day of November.

Rev. Stat.,
c. 266, s. 259,
amended.

15. Section 259 of *The Municipal Act* is amended by inserting immediately preceding the said section the following heading:

SECTION 14—Subsection 1. Typographical correction only.

Subsection 2. The words added are for clarification only.

Subsection 3. This amendment will enable councils to publish the required financial statements in every instance. No change in principle is effected. The amendment is corrective only.

SECTION 15. Typographical correction only. Complementary to section 14 (1) of this Bill.

*Duties of Officers Respecting Oaths
and Declarations.*

Rev. Stat.,
c. 266, s. 284,
subs. 1,
amended. **16.** Subsection 1 of section 284 of *The Municipal Act* is amended by striking out the figures "286" in the sixth line and inserting in lieu thereof the figures "285."

Rev. Stat.,
c. 266, s. 305,
subs. 1,
amended. **17.** Subsection 1 of section 305 of *The Municipal Act* is amended by adding thereto the following clause:

Approval of
Municipal
Board, Rev.
Stat., c. 60. (e) the approval of the Municipal Board as required by section 70 of *The Ontario Municipal Board Act*.

Rev. Stat.,
c. 266,
amended. **18.** *The Municipal Act* is amended by adding thereto the following sections:

Where
surplus in
sinking fund.

321a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts.

Where
amount in
sinking fund
sufficient.

321b. Notwithstanding the provisions of any general or special Act, if and when the amount in a sinking fund is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it becomes due, the council with the approval of the Municipal Board may not be required to raise or provide any further sum with respect to such debt.

Notice of
appoint-
ment.

321c. Notice of an appointment for the hearing by the Municipal Board of an application for approval under section 321a or 321b shall be given to such persons and in such manner as the Municipal Board may direct.

Rev. Stat.,
c. 266, s. 364,
(1938, c. 23,
s. 4),
amended. **19.—(1)** Section 364 of *The Municipal Act* as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)* is amended by adding thereto the following subsections:

SECTION 16. Typographical correction only.

SECTION 17. It is considered that a money by-law should recite the fact that it has been approved by the Municipal Board, as required by section 70 of *The Ontario Municipal Board Act*.

SECTION 18.—This is section 1 of Bill No. 66 as amended and approved by the Municipal Law Committee.

SECTION 19—Subsection 1. The proposed subsections 7 and 8 of section 305 of *The Municipal Act* provide that the appropriate sections of *The Municipal Act* shall apply to boards of police commissioners.

Application
of section.

- (7) Upon the passing of a by-law, or where any by-law has heretofore been passed as provided by subsection 1, the provisions of this section and of sections 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 378 and 383 shall *mutatis mutandis* apply to the board of commissioners of police constituted by such by-law.

Powers of
board.

- (8) Upon the passing of a by-law as provided by subsection 1, the board of commissioners of police so constituted shall have the control of the constables and police force to the same extent as if appointed by the board under the provisions of section 371.

Section retro-
active in
application.

- (2) The provisions of this section shall apply to the board of commissioners of police heretofore or hereafter constituted by by-law of any municipality.

Rev. Stat.,
c. 266, s. 370,
amended.

- 20.** Section 370 of *The Municipal Act* is amended by inserting after the word "in" where it occurs the second time in the first line the words "townships, counties and," so that the said section shall now read as follows:

Police force
in cities,
townships,
counties and
towns.

370. The police force in cities, and in townships, counties and towns having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required.

Rev. Stat.,
c. 266, s. 377,
re-enacted.

- 21.** Section 377 of *The Municipal Act* is repealed and the following substituted therefor:

County and
township
constables.

377. The council of a county not having a board, and of a township not having a board, may appoint one or more constables, and in the case of a township, whether or not a board has been constituted, the remuneration of such constable or constables may, if the council deems proper, be paid by a rate levied on any defined section or area of the township.

Rev. Stat.,
c. 266, s. 404,
par. 6, re-
enacted.

- 22.—**(1) Paragraph 6 of section 404 of *The Municipal Act* and the heading immediately preceding the said paragraph are repealed and the following substituted therefor:

Rewards.

Offering and
paying
rewards.

6. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment.

Subsection 2. Self-explanatory.

SECTIONS 20 AND 21. Sections 370 and 377 of *The Municipal Act* are amended so that they will be consistent, whether with respect to a city, town, county or township board of police commissioners.

SECTION 22—Subsection 1. At present paragraph 6 of section 404 and section 412 of *The Municipal Act* deal with the powers of councils to offer rewards in respect to crime. Difficulty has been experienced in interpreting these provisions. It is considered advisable to repeal all the existing provisions on this subject and substitute a new provision of wide scope.

Rev. Stat., c. 266, s. 404, amended. (2) The said section 404 is further amended by adding thereto the following paragraph:

Pensions for employees — how provided.

R.S.C., c. 7.

Rev. Stat., c. 256.

41a. Upon the petition of not less than seventy-five per centum of the employees or any class thereof, for providing by arrangement with His Majesty pursuant to the *Government Annuities Act* (Canada) or by contract with an insurer licensed under *The Insurance Act*, pensions for employees or any class thereof and their wives and children.

Interpretation.

(a) In this paragraph,—

“Employee.”

(i) “Employee” shall mean any salaried officer, clerk, workman, servant or other person in the full-time employ of the municipality or of a local board, except school teachers and inspectors to whom *The Teachers’ and Inspectors’ Superannuation Act* is applicable, and except employees to whom *The Power Commission Insurance Act* is applicable;

Rev. Stat., c. 366.

Rev. Stat., c. 67.

“Local board.”

(ii) “Local board” shall include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof;

“Pensions.”

(iii) “Pensions” shall include any form of superannuation or benefit.

Approval by Department.

(b) No by-law passed under this paragraph shall become operative until approved by the Department.

Contributions to be deemed current expenditures.

(c) Payments or contributions made by a municipality under this paragraph shall be deemed to be current expenditures.

Contributions to be deducted from salary, etc.

(d) The municipality or local board shall deduct by instalments from the salary, wages or other

Subsection 2. These new provisions enable municipal employees to have pensions.

remuneration of every employee to whom the by-law is applicable the amount which the employee is by the by-law required to contribute.

Deducted
amounts to
be paid to
treasurer.

- (e) The local board shall, on behalf of every employee thereof to whom the by-law is applicable, pay to the treasurer of the municipality the amounts deducted under clause *d*.

Rev. Stat.,
c. 266, s. 404,
amended.

- (3) The said section 404 is further amended by adding thereto the following heading and paragraph:

Insurance.

52. For contracting for insurance against risks that may involve pecuniary loss or liability on the part of the corporation, and for paying premiums therefor.

Rev. Stat.,
c. 266, s. 405,
par 1,
amended.

- 23.** Paragraph 1 of section 405 of *The Municipal Act* is amended by adding thereto the following clause:

- (aa) No by-law shall be passed granting a fixed assessment in respect of a business which has at any time theretofore enjoyed a fixed assessment of the same property.

Rev. Stat.,
c. 266, s. 406,
par 2, cl. a,
amended.

- 24.** Clause *a* of paragraph 2 of section 406 of *The Municipal Act* is amended by striking out the word "city" in the sixth line and inserting in lieu thereof the word "municipal."

Rev. Stat.,
c. 266, s. 407,
amended.

- 25.** Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Interior
walls and
ceilings.

- 4a. For requiring the interior side of the exterior walls and the ceilings and both sides of the partition walls of buildings, or any class of buildings, to be lathed and plastered or otherwise covered with adequate material.

Rev. Stat.,
c. 266, s. 412,
repealed.

- 26.** Section 412 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 413,
repealed.

- 27.** Section 413 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 414,
par. 11,
amended.

- 28.** Paragraph 11 of section 414 of *The Municipal Act* is amended by adding thereto the following clause:

- (a) This paragraph shall not apply to superannuation and benefit funds established after the 1st day of May, 1939.

Subsection 3. Doubt has been experienced as to the power of municipalities to contract and pay for insurance for municipal risks. The new paragraph 52 of section 404 of *The Municipal Act* will remove such doubt.

SECTION 23. The effect of the decision of the Court of Appeal in re Gordon v. DeLaval Co. Ltd. (1938), O.R. 462 is that the council of a municipality may grant a new and further fixed assessment on the expiry of the first period of fixed assessment.

The amendment will allow only one period of fixed assessment.

SECTION 24. The word "city" is not appropriate in clause *a* of paragraph 2 of section 406 of *The Municipal Act* because such by-laws may be passed by the council of any urban municipality or of any township adjoining any municipality. The word "municipal" is therefore substituted.

SECTION 25. The present provisions of *The Municipal Act* deal with structural matters but do not include the interior finish such as lathing and plastering of interior walls and partitions. It is considered that authority to deal with such matters should be given to council.

This is section 1 of Bill No. 60 as amended and approved by the Municipal Law Committee.

SECTION 26. See note to section 22 (1).

SECTION 27. This section has become obsolete as the matter of night lights on vehicles is now fully covered under *The Highway Traffic Act*.

SECTION 28. The purpose of this amendment is to limit grants in aid to funds already in existence. Henceforth the matter will be dealt with under paragraph 41*a* of section 404 of *The Municipal Act*, enacted by subsection 2 of section 22 of this Bill.

Rev. Stat.,
c. 266, s. 415,
par. 1,
amended.

29. The first eight lines of paragraph 1 of section 415 of *The Municipal Act* and clause *a* of the said paragraph as amended by subsection 1 of section 9 of *The Municipal Amendment Act, 1938*, are repealed and the following substituted therefor:

Licensing,
etc., bailiffs,
and bailiffs'
assistants.

1. For licensing, regulating and governing bailiffs and bailiffs' assistants and for providing that any applicant for a bailiff's license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose.

"Bailiff"
defined.

- (a) For the purpose of this paragraph "bailiff" shall include any person acting, or holding himself out as being prepared to act, for or on behalf of any person in the seizure and sale or seizure only of chattels, or in any eviction or the collection of rent or taxes by distress or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security, and "bailiff's assistant" shall include any person acting for or on behalf of a bailiff in the course of any eviction, distress or repossession of goods or chattels as aforesaid, but neither "bailiff" nor "bailiff's assistant" shall include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record.

"Bailiff's
Assistant"
defined.

Rev. Stat.,
c. 266, s. 437,
par. 1,
re-enacted.

30. Paragraph 1 of section 437 of *The Municipal Act* and clause *a* of the said paragraph are repealed and the following substituted therefor:

Electrical
Workers.

1. For examining, licensing, regulating and governing electricians, master electricians and journeyman electricians.

"Master
Electrician."

- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who,

SECTION 29. Paragraph 1 of section 415 of *The Assessment Act* is extended to include bailiffs' assistants as it is considered such persons should be licensed and controlled just as much as bailiffs.

The present clause *a* of paragraph 1 of section 415 of *The Municipal Act* defines a bailiff as one acting under a warrant so that the by-law may be evaded by not using a warrant. The new clause will prevent this practice.

This is section 2 of Bill No. 60 approved by the Municipal Law Committee.

SECTION 30. This amendment is considered necessary in order to have a satisfactory by-law for licensing and regulating all persons engaged in this trade.

At present authority is confined to the actual workmen doing electrical work and does not extent to employers.

This is section 5 of Bill No. 60 approved by the Municipal Law Committee.

"Journeyman Electrician."

himself, or by journeyman electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person, other than a master electrician, who has been in the employ of a master electrician for not less than one year and desires to do electrical work as his calling.

Exception.

- (b) Any such by-law shall not apply to the employees of any public service commission or corporation.

Rev. Stat.,
c. 266, s. 438,
amended.

31. Section 438 of *The Municipal Act* is amended by adding thereto the following heading and paragraph:

Street Photographers.

Licensing,
etc., street
photographers.

3. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices in or upon any highway or public place and for revoking any such license.

Rev. Stat.,
c. 266, s. 480,
amended.

32. Section 480 of *The Municipal Act* is amended by adding thereto the following subsection:

Insufficiency
of fences,
etc.

- (2a) No action shall be brought against a corporation for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier, or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or object adjacent to or in, along or upon any highway or any part thereof not within the travelled portion of such highway.

Rev. Stat.,
c. 266, s. 531,
subs. 6, note,
amended.

33.—(1) The note to subsection 6 of section 531 of *The Municipal Act* is amended by striking out the figures "259" and inserting in lieu thereof the figures "70."

(2) The note to subsection 8 of the said section 531 is repealed.

Rev. Stat.,
c. 266,
Form 2,
amended.

34. Form 2 of *The Municipal Act* is amended by adding thereto the following paragraph:

6. I have taken the oath of allegiance (Form 2A), which I attach hereto.

Rev. Stat.,
c. 266,
amended.

35. *The Municipal Act* is amended by adding thereto the following form:

SECTION 31. This section is designed to control those commonly known as street photographers who operate for profit.

This is section 6 of Bill No. 60 approved by the Municipal Law Committee.

SECTION 32. A recent judgment of the Court of Appeal holds that the erection and maintenance of barriers, guard rails, etc., along a highway is a responsibility of the body responsible for the maintenance of the highway. It is considered that such responsibility is too onerous. A similar provision appears as section 6 of Bill No. 59, *An Act to Amend The Highway Improvement Act*.

SECTION 33—Subsection 1. Typographical correction only.

Subsection 2. The note is not appropriate. It is therefore repealed.

SECTIONS 34 AND 35. See note to section 5 of this Bill. These amendments are complementary.

FORM 2A.

I, *A.B.*, a candidate for election to the office of in the municipality of do swear that I will be faithful and bear true allegiance to His Majesty King George VI (or the reigning sovereign for the time being).

Sworn before me at the }
of } *A.B.*
in the of }
this day of }
..... 19. }

Rev. Stat.,
c. 266,
Form 18, re-
enacted.

36. Form 18 of *The Municipal Act* is repealed and the following substituted therefor:

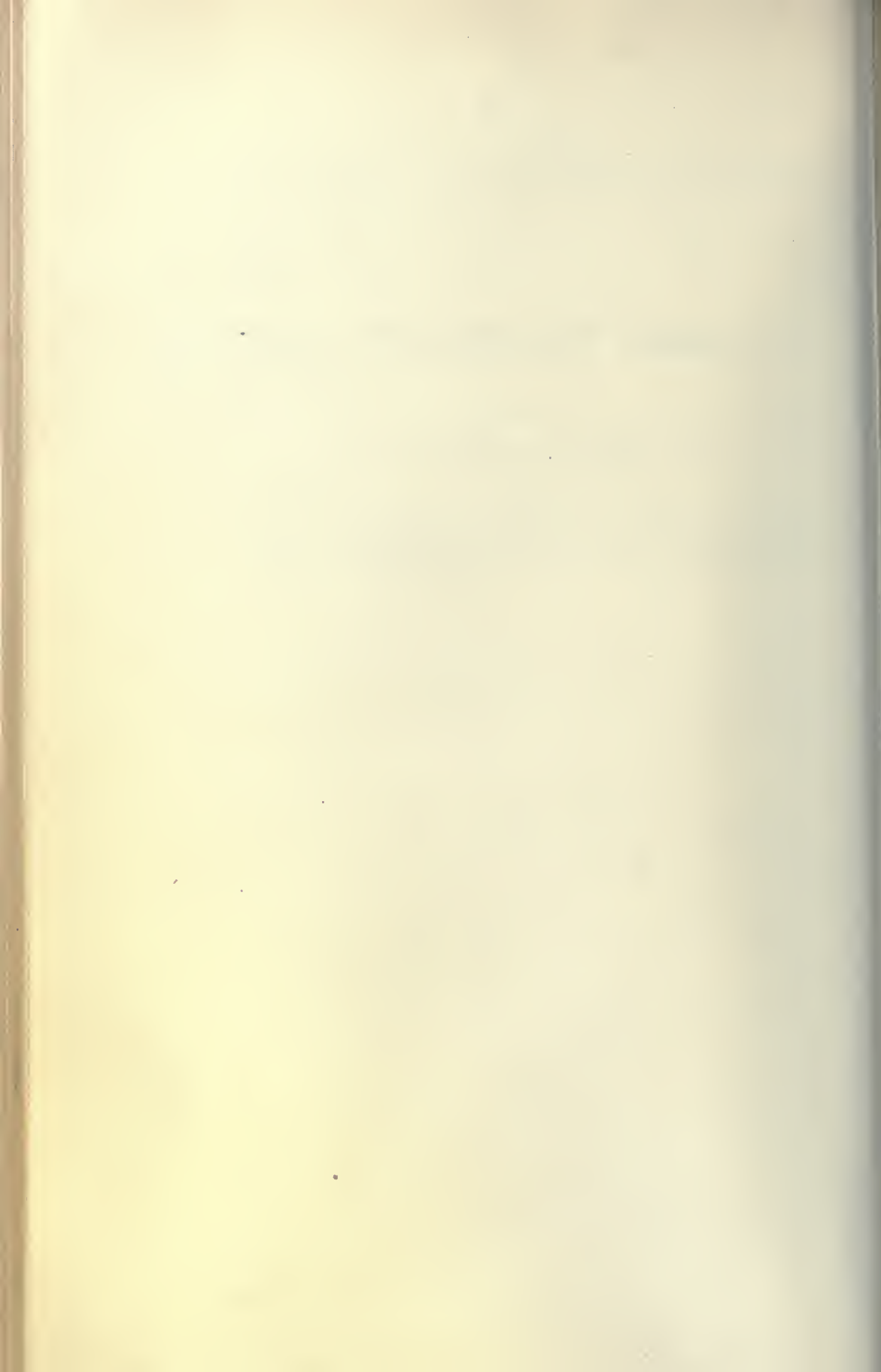
FORM 18.

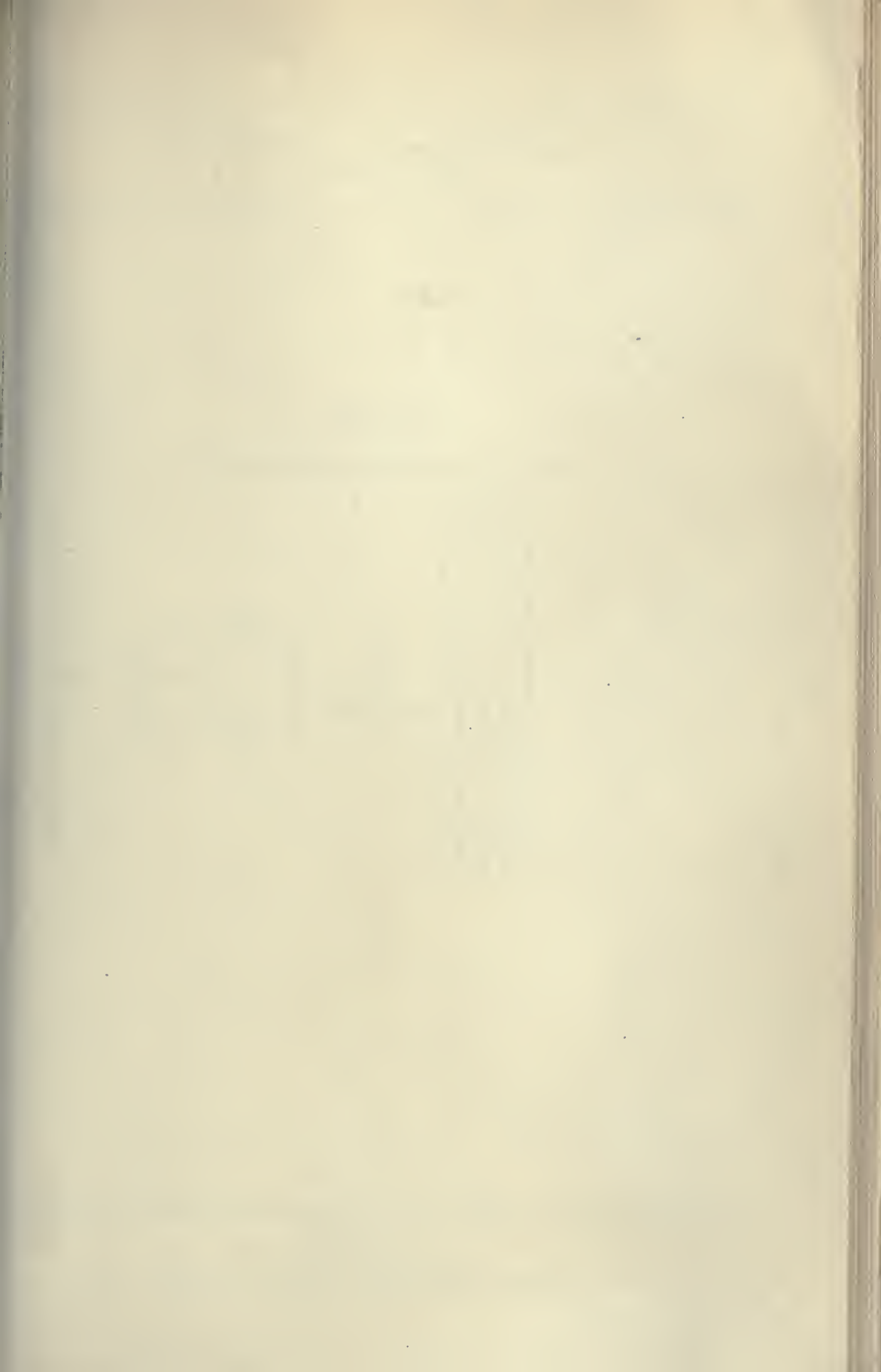
CERTIFICATE OF CLERK AS TO ELECTION OF REEVE
AND DEPUTY REEVE (IF ANY).

I, *A.B.*, of, Clerk of the Corporation of in the County of, do hereby certify under my hand and the seal of the said Corporation that *X.Y.* was duly elected reeve (or deputy reeve) of the said town (township or village, as the case may be), and has made and subscribed the declaration of office and qualification as such reeve (or deputy reeve).

A.B.

SECTION 36. See note to section 3 of this Bill. This amendment is complementary.





BILL

The Municipal Amendment Act, 1939

1st Reading

April 6th, 1939

2nd Reading

April 17th, 1939

3rd Reading

MR. CROSS

(Reprinted for consideration of the Committee of the Whole House, containing the sections of Bills 60 and 66 as approved and reported by the Municipal Law Committee, and certain Amendments proposed by Mr. Cross.)

No. 70

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Municipal Amendment Act, 1939.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Municipal Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 14,
subs. 1,
amended.

1. Subsection 1 of section 14 of *The Municipal Act* is amended by inserting after the word "may" in the fifth line the word "by."

Rev. Stat.,
c. 266, s. 20,
repealed;
s. 23,
re-enacted.

2. Section 23 of *The Municipal Act* is repealed and the following substituted therefor:

Powers of
Municipal
Board as to
amalgama-
tions and
annexations.

23.—(1) Upon the application of the corporation of any municipality, authorized by by-law of the council thereof, to have such municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of such municipality annexed to any other municipality or municipalities or to have the whole or any part or parts of any other municipality or municipalities annexed to such municipality, the Municipal Board may by order on such terms as it may deem expedient amalgamate such municipality with any other municipality or municipalities or annex to such municipality the whole or any part or parts of any other municipality or municipalities or annex the whole or any part or parts of such municipality to any other municipality or municipalities, and any such order may be made whether the area specified in such order be greater or smaller than the area specified in such application and whether or not any municipality or municipalities or any part or parts thereof which may by such order be amalgamated with or annexed to any other municipality or municipalities may have been specified in such application.

Assent of
electors.

(2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality.

- (3) The Municipal Board before making any order under subsection 1 shall hold a public hearing after such notice thereof has been given as the Municipal Board may direct for the purpose of inquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Municipal Board. Public hearing to be held by Board.
- (4) If a municipality to which the whole or part of another municipality is annexed or a municipality created by an amalgamation under this section has the requisite population it may by such order be erected by the Municipal Board into a city or town bearing such name as the Municipal Board may direct. City or town may be erected.
- (5) The Municipal Board may order a division or re-division of a municipality into wards if, in the opinion of the Municipal Board, the annexation or amalgamation renders such division or redivision necessary or desirable. Division into wards.
- (6) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of such city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or township, the council shall within four weeks after the presentation of the petition submit to the electors of the said city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if such by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 1. By-law to be submitted on petition.
- (7) The Lieutenant-Governor in Council may authorize the Minister of Municipal Affairs to apply to the Municipal Board to have any municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of a municipality annexed to any other municipality or municipalities and in such case the Municipal Board shall have the same powers as if such application had been made by the corporation of a municipality under subsection 1. Minister of Municipal Affairs may apply.
- (8) The Municipal Board may by any order made pursuant to any application under this section or by subsequent order or orders,— Further powers of Municipal Board.

- (a) make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (c) define special areas within the municipality as enlarged by such annexation or resulting from such amalgamation, having regard to the areas annexed thereto or amalgamated therein, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint a referee or referees who shall make inquiry and report to the Municipal Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, such report to be filed with the Municipal Board within such time as the Municipal Board may from time to time allow, and the Municipal Board shall consider such report and may hear such representations in respect thereto as it may see fit and may adopt, vary or amend such report or refer such report back to such referee or referees for further consideration, and the order of the Municipal Board adopting such report or varying or amending such report shall be final and conclusive and not open to question or appeal and shall be binding upon all municipalities and local boards affected thereby;
- (e) make all such provisions for the composition of councils and local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation or amalgamation becomes effective, the holding of elections, the fixing of days for first meetings of councils and local boards, the preparation of first voters' lists and assessment rolls, and for such other matters as it

may deem necessary to provide for the effective administration of the enlarged or amalgamated municipality or of any local board thereof;

- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.
- (9) Any referee or referees appointed under subsection 8 shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act*. Powers of referees.
Rev. Stat.,
c. 60.
- (10) The Municipal Board may make such rules and regulations and issue such orders and directions in respect to any matter not specifically provided for in this section as it may deem necessary or desirable in connection with any such annexation or amalgamation and every such rule, regulation, order and direction shall be valid and binding upon all municipalities and local boards interested in or affected thereby. Municipal Board may make rules, etc.
- (11) No order of annexation or amalgamation of any municipality or any part thereof shall be made under this section at a time when such municipality is in default in payment of any interest or principal in respect of its debentures. No order if municipality in default.
- (12) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding anything contained in this or any other special or general Act, and in the event of any conflict between the provisions of this section and the provisions of this or any other special or general Act the provisions of this section shall prevail. Provisions of this section to prevail.
- (13) In this section "local board" shall mean a local board as defined by *The Department of Municipal Affairs Act*. "Local board,"
Rev. Stat.,
c. 59.
- (14) Any order of annexation or amalgamation made under subsection 1 or 7 shall take effect only if and when confirmed by Act of this Legislature and on the day named in such Act. Time of coming into force of annexation or amalgamation order.

3.—(1) Subsection 1 of section 48 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the town is entitled to" in the third and fourth lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection shall now read as follows:

Councils of
towns in
counties.

- (1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, a deputy reeve and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards.

Rev. Stat.,
c. 266, s. 48,
subs. 3,
amended.

- (2) Subsection 3 of the said section 48 is amended by striking out the words "as many deputy reeves as the town is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows:

Case of town
of not more
than 5,000.

- (3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, a deputy reeve, and

.

Rev. Stat.,
c. 266,
s. 50,
subs. 1,
amended.

4. Subsection 1 of section 50 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the municipality is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve where so entitled," and by striking out the words "with the deputy reeves four " in the fourth line, and inserting in lieu thereof the word "five" so that the said subsection shall now read as follows:

Councils of
villages and
townships.

- (1) The council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

Rev. Stat.,
c. 266, s. 52,
subs. 1,
cl. *c*, re-
enacted.

5. Clause *c* of subsection 1 of section 52 of *The Municipal Act* is repealed and the following substituted therefor:

- (*c*) is a British subject and has taken the oath of allegiance (Form 2A).

Rev. Stat.,
c. 266, s. 53,
subs. 1,
cl. *u*,
amended.

6. Clause *u* of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "income or" in the second line.

Rev. Stat.,
c. 266, s. 64,
amended.

7. Section 64 of *The Municipal Act* is amended by striking out the words "or deputy reeves" in the fourth and fifth lines so that the said section shall now read as follows:

Meeting for
nomination
of mayor,
controllers,
reeve,
deputy
reeve.

64. Subject to subsection 5 of section 65 and to sections 74, 75 and 76, a meeting of the electors shall take place for the nomination of candidates for mayor

and controllers in cities and towns, and for reeve or reeve and deputy reeve in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon.

8. Section 67 of *The Municipal Act* is amended by striking out the word "corporation" in the first line and inserting in lieu thereof the word "incorporation." Rev. Stat., c. 266, s. 67, amended.

9. Subsection 4 of section 70 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat., c. 266, s. 70, subs. 4, amended.

(a) The oath of allegiance shall form part of the declaration and shall be attached thereto.

10. Section 88 of *The Municipal Act* is amended by inserting after the word "may" in the second line the word "fix." Rev. Stat., c. 266, s. 88, amended.

11. Subsection 2 of section 92 of *The Municipal Act* is amended by inserting after the word "person" where it occurs for the second time in the fourth line the words "whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or," so that the said subsection shall now read as follows:

(2) A returning officer, a deputy returning officer or a justice of the peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting, as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or justice of the peace in the performance of his duties under this subsection. Arrest of person disturbing the peace.

12. Section 101 of *The Municipal Act* is amended by striking out the word "pole" in the fourth line and inserting in lieu thereof the word "poll." Rev. Stat., c. 266, s. 101, amended.

13. Subsection 4 of section 207 of *The Municipal Act* is amended by striking out the words "reeve, or in his absence the deputy reeve, or if there are more deputy reeves than one, the first deputy reeve," in the first, second and third lines and inserting in lieu thereof the words "head of the council," so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 207, subs. 4, amended.

Case of
equality of
votes.

- (4) In case of an equality of votes, the head of the council of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote.

Rev. Stat.,
c. 266,
s. 258,
heading re-
pealed.

14.—(1) The heading immediately preceding section 258 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
s. 258,
subs. 1,
amended.

(2) Subsection 1 of the said section 258 is amended by adding at the commencement thereof the words "Except as provided in subsection 5" and by striking out the word "expenditures" in the fourth line and inserting in lieu thereof the word "disbursements," so that the said subsection shall now read as follows:

Publication
of state-
ments of
assets and
liabilities.

- (1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and disbursements of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last fifteen days of the next preceding year.

Rev. Stat.,
c. 266, s. 258
subs. 5,
amended.

(3) Subsection 5 of the said section 258 is amended by striking out the words "the nomination meeting is held on the last Monday in November, and polling on the first Monday in December as provided by section 76" in the second, third and fourth lines, and inserting in lieu thereof the words "a by-law passed under section 76 or 77 is in force," so that the said subsection shall now read as follows:

Holding
meeting and
publishing
statement
where early
nominations.

- (5) The council of every town, village and township in which a by-law passed under section 76 or 77 is in force shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1 and a similar statement respecting the last forty-six days of the next preceding year and the time for publishing, posting up, printing and transmitting the statements as provided by subsections 3 and 4 shall be the 24th day of November.

Rev. Stat.,
c. 266, s. 259,
amended.

15. Section 259 of *The Municipal Act* is amended by inserting immediately preceding the said section the following heading:

*Duties of Officers Respecting Oaths
and Declarations.*

16. Subsection 1 of section 284 of *The Municipal Act* is amended by striking out the figures "286" in the sixth line and inserting in lieu thereof the figures "285." Rev. Stat.,
c. 266, s. 284,
subs. 1,
amended.

17. Subsection 1 of section 305 of *The Municipal Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 266, s. 305,
subs. 1,
amended.

(e) the approval of the Municipal Board as required by section 70 of *The Ontario Municipal Board Act*. Approval of
Municipal
Board, Rev.
Stat., c. 60.

18. *The Municipal Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 266,
amended.

321a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts. Where
surplus in
sinking fund.

321b. Notwithstanding the provisions of any general or special Act, if and when the amount in a sinking fund is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it becomes due, the council with the approval of the Municipal Board may not be required to raise or provide any further sum with respect to such debt. Where
amount in
sinking fund
sufficient.

321c. Notice of an appointment for the hearing by the Municipal Board of an application for approval under section 321a or 321b shall be given to such persons and in such manner as the Municipal Board may direct. Notice of
appoint-
ment.

19.—(1) Section 364 of *The Municipal Act* as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)* is amended by adding thereto the following subsections: Rev. Stat.,
c. 266, s. 364,
(1938, c. 23,
s. 4),
amended.

Application
of section.

- (7) Upon the passing of a by-law, or where any by-law has heretofore been passed as provided by subsection 1, the provisions of this section and of sections 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 378 and 383 shall *mutatis mutandis* apply to the board of commissioners of police constituted by such by-law.

Powers of
board.

- (8) Upon the passing of a by-law as provided by subsection 1, the board of commissioners of police so constituted shall have the control of the constables and police force to the same extent as if appointed by the board under the provisions of section 371.

Section retro-
active in
application.

- (2) The provisions of this section shall apply to the board of commissioners of police heretofore or hereafter constituted by by-law of any municipality.

Rev. Stat.,
c. 266, s. 370,
amended.

- 20.** Section 370 of *The Municipal Act* is amended by inserting after the word "in" where it occurs the second time in the first line the words "townships, counties and," so that the said section shall now read as follows:

Police force
in cities,
townships,
counties and
towns.

370. The police force in cities, and in townships, counties and towns having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required.

Rev. Stat.,
c. 266, s. 377,
re-enacted.

- 21.** Section 377 of *The Municipal Act* is repealed and the following substituted therefor:

County and
township
constables.

377. The council of a county not having a board, and of a township not having a board, may appoint one or more constables, and in the case of a township, whether or not a board has been constituted, the remuneration of such constable or constables may, if the council deems proper, be paid by a rate levied on any defined section or area of the township.

Rev. Stat.,
c. 266, s. 404,
par. 6, re-
enacted.

- 22.—**(1) Paragraph 6 of section 404 of *The Municipal Act* and the heading immediately preceding the said paragraph are repealed and the following substituted therefor:

Rewards.

Offering and
paying
rewards.

6. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment.

(2) The said section 404 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 404,
amended.

41a. Upon the petition of not less than seventy-five per centum of the employees or any class thereof, for providing by arrangement with His Majesty pursuant to the *Government Annuities Act* (Canada) or by contract with an insurer licensed under *The Insurance Act*, pensions for employees or any class thereof and their wives and children. Pensions for
employees —
how
provided.
R.S.C., c. 7.
Rev. Stat.,
c. 256.

(a) In this paragraph,—

Interpre-
tation.

(i) "Employee" shall mean any salaried officer, clerk, workman, servant or other person in the full-time employ of the municipality or of a local board, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable, and except employees to whom *The Power Commission Insurance Act* is applicable; "Employee."
Rev. Stat.,
c. 366.
Rev. Stat.,
c. 67.

(ii) "Local board" shall include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof; "Local
board."

(iii) "Pensions" shall include any form of superannuation or benefit. "Pensions."

(b) No by-law passed under this paragraph shall become operative until approved by the Department. Approval by
Department.

(c) Payments or contributions made by a municipality under this paragraph shall be deemed to be current expenditures. Contribu-
tions to be
deemed cur-
rent expendi-
tures.

(d) The municipality or local board shall deduct by instalments from the salary, wages or other Contribu-
tions to be
deducted
from salary,
etc.

remuneration of every employee to whom the by-law is applicable the amount which the employee is by the by-law required to contribute.

Deducted amounts to be paid to treasurer.

- (e) The local board shall, on behalf of every employee thereof to whom the by-law is applicable, pay to the treasurer of the municipality the amounts deducted under clause *d*.

Rev. Stat., c. 266, s. 404, amended.

- (3) The said section 404 is further amended by adding thereto the following heading and paragraph:

Insurance.

Contracting for insurance.

52. For contracting for insurance against risks that may involve pecuniary loss or liability on the part of the corporation, and for paying premiums therefor.

Rev. Stat., c. 266, s. 405, par 1, amended.

- 23.** Paragraph 1 of section 405 of *The Municipal Act* is amended by adding thereto the following clause:

- (aa) No by-law shall be passed granting a fixed assessment in respect of a business which has at any time theretofore enjoyed a fixed assessment of the same property.

Rev. Stat., c. 266, s. 406, par 2, cl. a, amended.

- 24.** Clause *a* of paragraph 2 of section 406 of *The Municipal Act* is amended by striking out the word "city" in the sixth line and inserting in lieu thereof the word "municipal."

Rev. Stat., c. 266, s. 407, amended.

- 25.** Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Interior walls and ceilings.

- 4a. For requiring the interior side of the exterior walls and the ceilings and both sides of the partition walls of buildings, or any class of buildings, to be lathed and plastered or otherwise covered with adequate material.

Rev. Stat., c. 266, s. 412, repealed.

- 26.** Section 412 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 413, repealed.

- 27.** Section 413 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 414, par. 11, amended.

- 28.** Paragraph 11 of section 414 of *The Municipal Act* is amended by adding thereto the following clause:

- (a) This paragraph shall not apply to superannuation and benefit funds established after the 1st day of May, 1939.

29. The first eight lines of paragraph 1 of section 415 of *The Municipal Act* and clause *a* of the said paragraph as amended by subsection 1 of section 9 of *The Municipal Amendment Act, 1938*, are repealed and the following substituted therefor:

1. For licensing, regulating and governing bailiffs and bailiffs' assistants and for providing that any applicant for a bailiff's license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose.

Licensing,
etc., bailiffs,
and bailiffs'
assistants.

- (a) For the purpose of this paragraph "bailiff" shall include any person acting, or holding himself out as being prepared to act, for or on behalf of any person in the seizure and sale or seizure only of chattels, or in any eviction or the collection of rent or taxes by distress or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security, and "bailiff's assistant" shall include any person acting for or on behalf of a bailiff in the course of any eviction, distress or repossession of goods or chattels as aforesaid, but neither "bailiff" nor "bailiff's assistant" shall include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record.

"Bailiff"
defined.

"Bailiff's
Assistant"
defined.

30. Paragraph 1 of section 437 of *The Municipal Act* and clause *a* of the said paragraph are repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 437,
par. 1,
re-enacted.

1. For examining, licensing, regulating and governing electricians, master electricians and journeyman electricians.

Electrical
Workers.

- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who,

"Master
Electrician."

"Journey-
man Elec-
trician."

himself, or by journeyman electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person, other than a master electrician, who has been in the employ of a master electrician for not less than one year and desires to do electrical work as his calling.

Exception.

(b) Any such by-law shall not apply to the employees of any public service commission or corporation.

Rev. Stat.,
c. 266, s. 438
amended.

31. Section 438 of *The Municipal Act* is amended by adding thereto the following heading and paragraph:

Street Photographers.

Licensing,
etc., street
photo-
graphers.

3. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices in or upon any highway or public place and for revoking any such license.

Rev. Stat.,
c. 266, s. 480,
amended.

32. Section 480 of *The Municipal Act* is amended by adding thereto the following subsection:

Insufficiency
of fences,
etc.

(2a) No action shall be brought against a corporation for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier, or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or object adjacent to or in, along or upon any highway or any part thereof not within the travelled portion of such highway.

Rev. Stat.,
c. 266, s. 531,
subs. 6, note,
amended.

33.—(1) The note to subsection 6 of section 531 of *The Municipal Act* is amended by striking out the figures "259" and inserting in lieu thereof the figures "70."

Rev. Stat.,
c. 266, s. 531,
subs. 8, note, repealed.

(2) The note to subsection 8 of the said section 531 is repealed.

Rev. Stat.,
c. 266,
Form 2,
amended.

34. Form 2 of *The Municipal Act* is amended by adding thereto the following paragraph:

6. I have taken the oath of allegiance (Form 2A), which I attach hereto.

Rev. Stat.,
c. 266,
amended.

35. *The Municipal Act* is amended by adding thereto the following form:

FORM 2A.

I, *A.B.*, a candidate for election to the office of.....in
the municipality of.....do swear that I will be faithful
and bear true allegiance to His Majesty King George VI (or the reigning
sovereign for the time being).

Sworn before me at the.....
of.....
in the.....of.....
this.....day of.....
19....

A.B.

36. Form 18 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266,
Form 18, re-
enacted.

FORM 18.

CERTIFICATE OF CLERK AS TO ELECTION OF REEVE
AND DEPUTY REEVE (IF ANY).

I, *A.B.*, of....., Clerk of the Corporation of.....,
in the County of....., do hereby certify under my hand and
the seal of the said Corporation that *X.Y.* was duly elected reeve (*or*
deputy reeve) of the said town (township *or* village, *as the case may be*),
and has made and subscribed the declaration of office and qualification
as such reeve (*or* deputy reeve).

A.B.

37. Section 32 of this Act shall come into force on a day
to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of s. 32.

The Municipal Amendment Act, 1939

1st Reading

April 6th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 26th, 1939

Mr. Cross

No. 71

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Public Health Act.

MR. KENNEDY

No. 71

1939

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299, s. 90,
amended.

1. Section 90 of *The Public Health Act* is amended by adding thereto the following subsection:

Penalty.

(1a.) Any person who cooks garbage or other refuse which has been collected or otherwise obtained from other persons, except on premises approved by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence.

Short title.

2. This Act may be cited as *The Public Health Amendment Act, 1939*.

EXPLANATORY NOTE

The amendment prohibits the cooking of collected garbage except on premises approved by the medical officer of health.

An Act to amend The Public Health Act.

1st Reading

April 6th, 1939

2nd Reading

3rd Reading

MR. KENNEDY

No. 71

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Public Health Act.

MR. KENNEDY

PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
TORONTO

No. 71

1939

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299,
amended.

1. *The Public Health Act* is amended by adding thereto the following section:

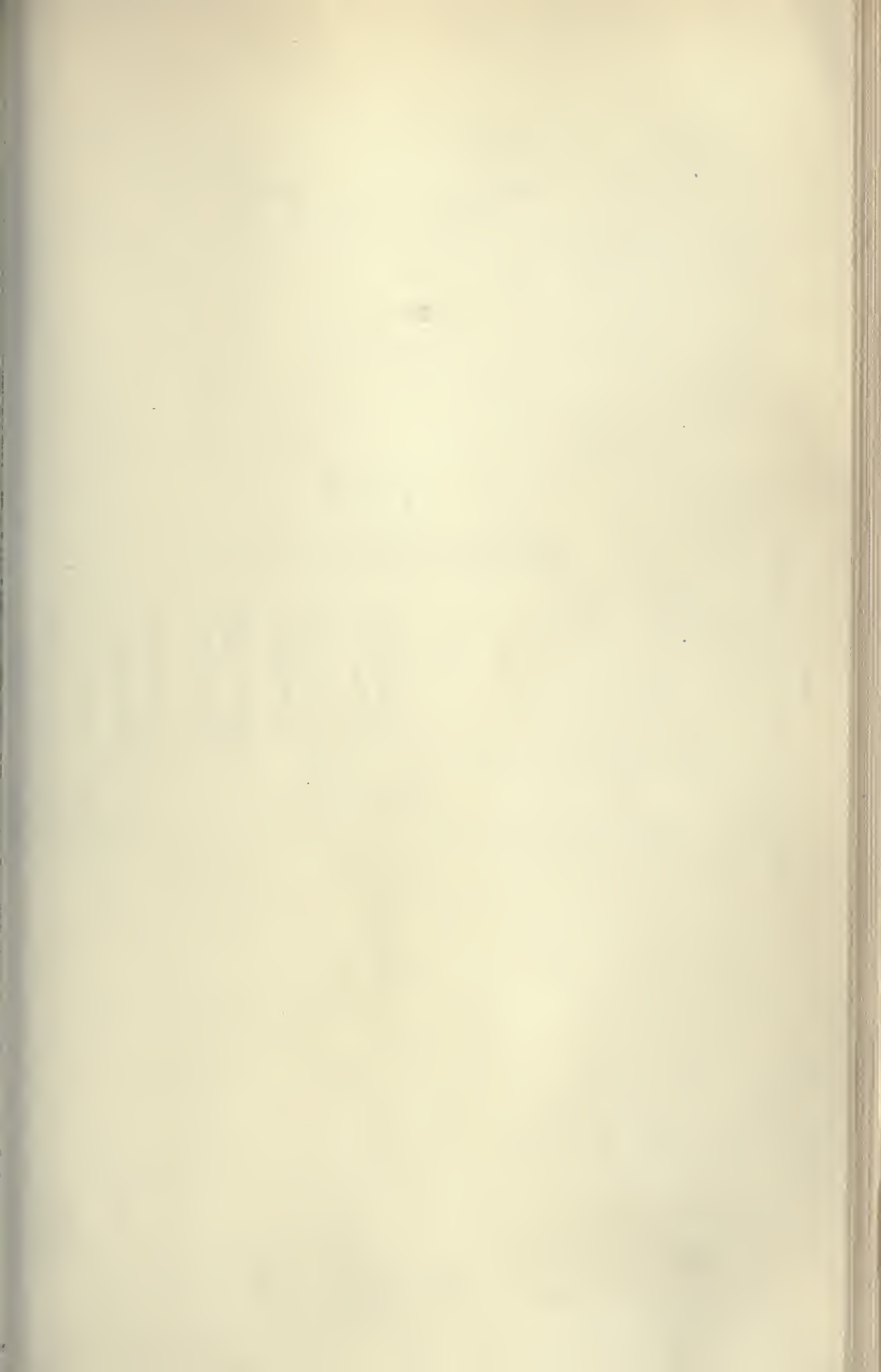
Cooking of
garbage.

110a. Any person who cooks garbage or other refuse which has been collected or otherwise obtained from other persons, except on premises approved by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence.

Penalty.

Short title.

2. This Act may be cited as *The Public Health Amendment Act, 1939*.



BILL

An Act to amend The Public Health Act.

1st Reading

April 6th, 1939

2nd Reading

April 12th, 1939

3rd Reading

April 25th, 1939

MR. KENNEDY

No. 72

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Municipal Act.

MR. KENNEDY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266,
s. 330, re-
enacted.

1. Section 330 of *The Municipal Act* is repealed and the following substituted therefor:

Certain
money may
be set apart
for educa-
tional pur-
poses.

330.—(1) Where a corporation has set apart any surplus money derived from "The Ontario Municipalities Fund" or from any other source for educational purposes, the council thereof shall apply such moneys directly or by means of a scheme of amortization in aid of schools in the municipality.

Where
moneys
have been
invested.

(2) Where any of such moneys or any other moneys held by the corporation for, or appropriated by it to educational purposes have been invested, the investments shall be disposed of and the proceeds therefrom shall be applied in accordance with the provisions of subsection 1 as soon as such disposal may reasonably be accomplished.

EXPLANATORY NOTE.

The purpose of the amendment is to require moneys derived by municipalities from "The Ontario Municipalities Fund" or from any other source and set apart or invested for educational purposes, to be used, directly or by amortization schemes, in aid of the schools of the municipality.

An Act to amend The Municipal Act.

1st Reading

April 6th, 1939

2nd Reading

3rd Reading

MR. KENNEDY

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

MR. CONANT

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1930, c. 17,
s. 2, cl. b,
re-enacted.

1.—(1) Clause *b* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is repealed and the following substituted therefor:

"Railway";
"Sandwich,
Windsor and
Amherstburg
Railway."

(b) "Railway" or "Sandwich, Windsor and Amherstburg Railway" shall mean all the assets, undertakings and property of every kind and nature formerly belonging to the Sandwich, Windsor and Amherstburg Railway and the Windsor and Tecumseh Electric Railway Company, and acquired by The Hydro-Electric Power Commission of Ontario pursuant to said agreement dated 14th January, 1920, and every improvement, addition and extension thereof and thereto heretofore or hereafter made and every asset acquired and used or operated in substitution or replacement therefor and thereof by the company.

1930, c. 17,
s. 2,
amended.

(2) The said section is further amended by adding thereto the following clause:

"Board."

(f) "Board shall mean the Ontario Municipal Board.

Agreement
of Jan. 1st,
1920,
amended.

1914, c. 31,
1920, c. 57.

2. The agreement authorized by *The Hydro-Electric Railway Act, 1914*, and confirmed by *The Hydro-Electric Railway Act, 1920* between The Hydro-Electric Power Commission of Ontario and the municipal corporations of township of Sandwich East, township of Sandwich West, city of East Windsor (formerly the town of Ford City), town of Walkerville, town of Sandwich, town of Ojibway, town of Amherstburg and city of Windsor, dated 1st January, 1920, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is further amended as follows:

1930, c. 17.

EXPLANATORY NOTES

The purpose of this Bill is to bring the existing legislation pertaining to the operations of the Sandwich, Windsor and Amherstburg Railway Company up to date so as to conform with the requirements of present conditions. No legislation pertaining to the company's operations has been enacted since the management of the railway by The Hydro-Electric Power Commission terminated in 1934.

This Bill is designed to modernize that part of the existing legislation particularly pertaining to the operations of the company. Supervision is given to the Ontario Municipal Board, which body is familiar with the company's affairs and present problems of management.

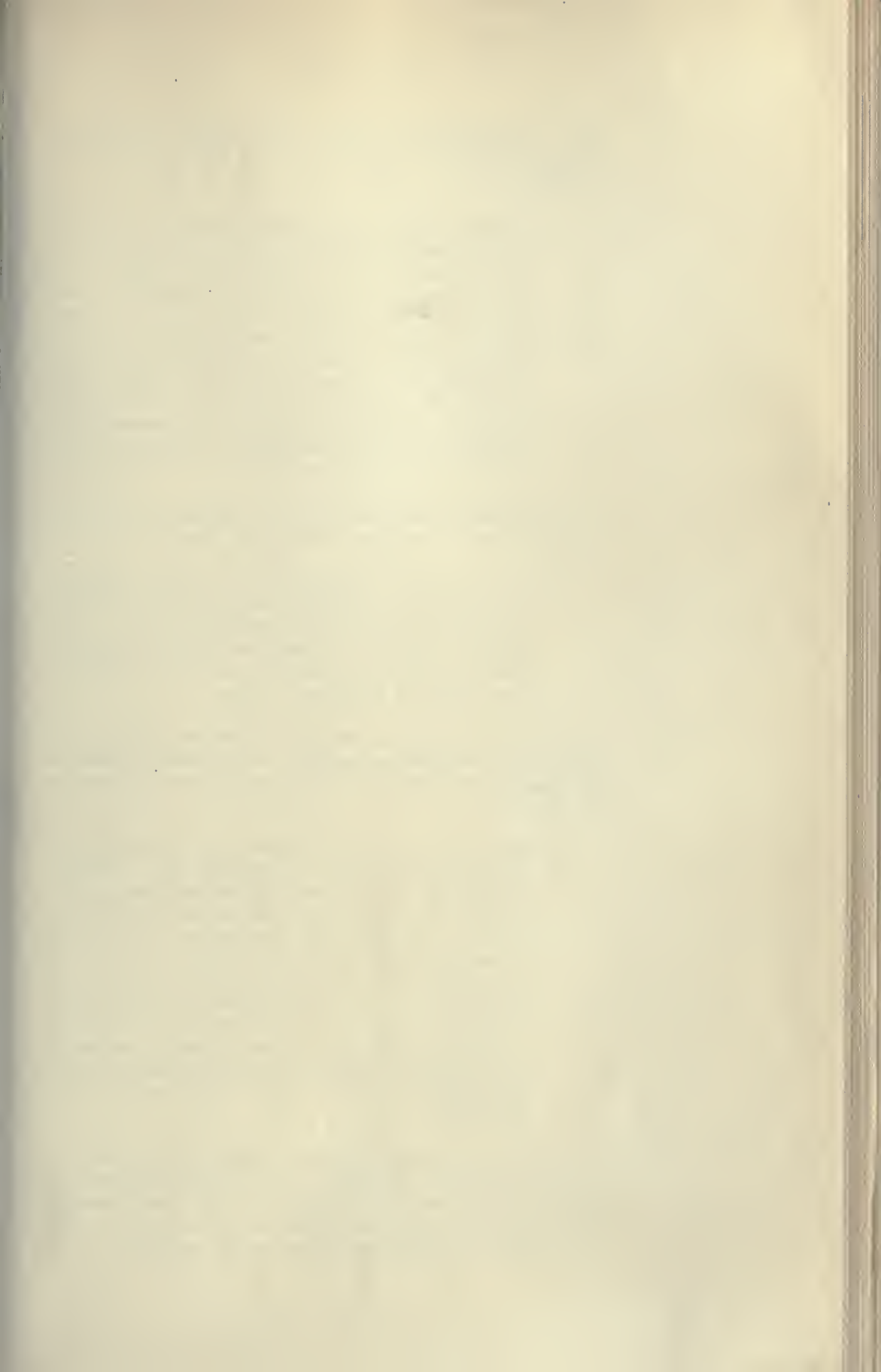
(i) By striking out the recitals of the said agreement as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

“Whereas The Hydro-Electric Power Commission of Ontario on behalf of the corporations constructed, equipped and operated a system of electric railways (known as the Sandwich, Windsor and Amherstburg Railway and, together with any system or systems of bus lines operated by or on behalf of the company in addition and as an improvement to or in substitution for, or partly the one and partly the other, the said system of electric railways, hereinafter referred to as the “railway”) over the routes laid down in Schedule “A” hereto; and whereas all the assets and undertakings of the said railway as operated by the said Commission were acquired from the said Commission by the company subject to the payment by the company of all liabilities incurred by the Commission in connection with such construction, equipment and operation and to the payment by the company of the principal and interest of all bonds heretofore issued by said Commission in respect of said railway.”

(ii) By adding at the end of the provision, hereinafter referred to as subsection *a*, substituted for subsections *a* and *b* of section 1 of the said agreement by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, the following words “or over such other routes as to the company may appear advantageous and profitable from time to time; provided the company may vary, abandon or restore any such route or any part or parts thereof as it may in its discretion determine,” so that the said provision shall now read as follows:

(a) To equip, operate and maintain the railway over the routes laid down in Schedule “A” and through the districts in which the corporations are situate or over such other routes as to the company may appear advantageous and profitable from time to time; provided the company may vary, abandon or restore any such route or any part or parts thereof as it may in its discretion determine.

(iii) By striking out the words “The Hydro-Electric Power Commission of Ontario” in the tenth and eleventh lines of the provision, hereinafter referred to as subsection *j*, substituted for subsections *j* and *m* of the said agreement by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act*,



1930, and substituting therefor the words "the Ontario Municipal Board," so that the said provision shall now read as follows:

- (j) When all bonds issued by The Hydro-Electric Power Commission of Ontario and the company in respect of the said railway and all other liabilities and indebtedness of the company have been paid in full, to sell or otherwise dispose of the railway in such manner and at such time and for such price as may be approved by a majority of the corporations and to divide the proceeds of the sale of such assets among the corporations in the proportion agreed upon between them or failing such agreement in the proportion fixed by the Ontario Municipal Board whose decision shall be final.

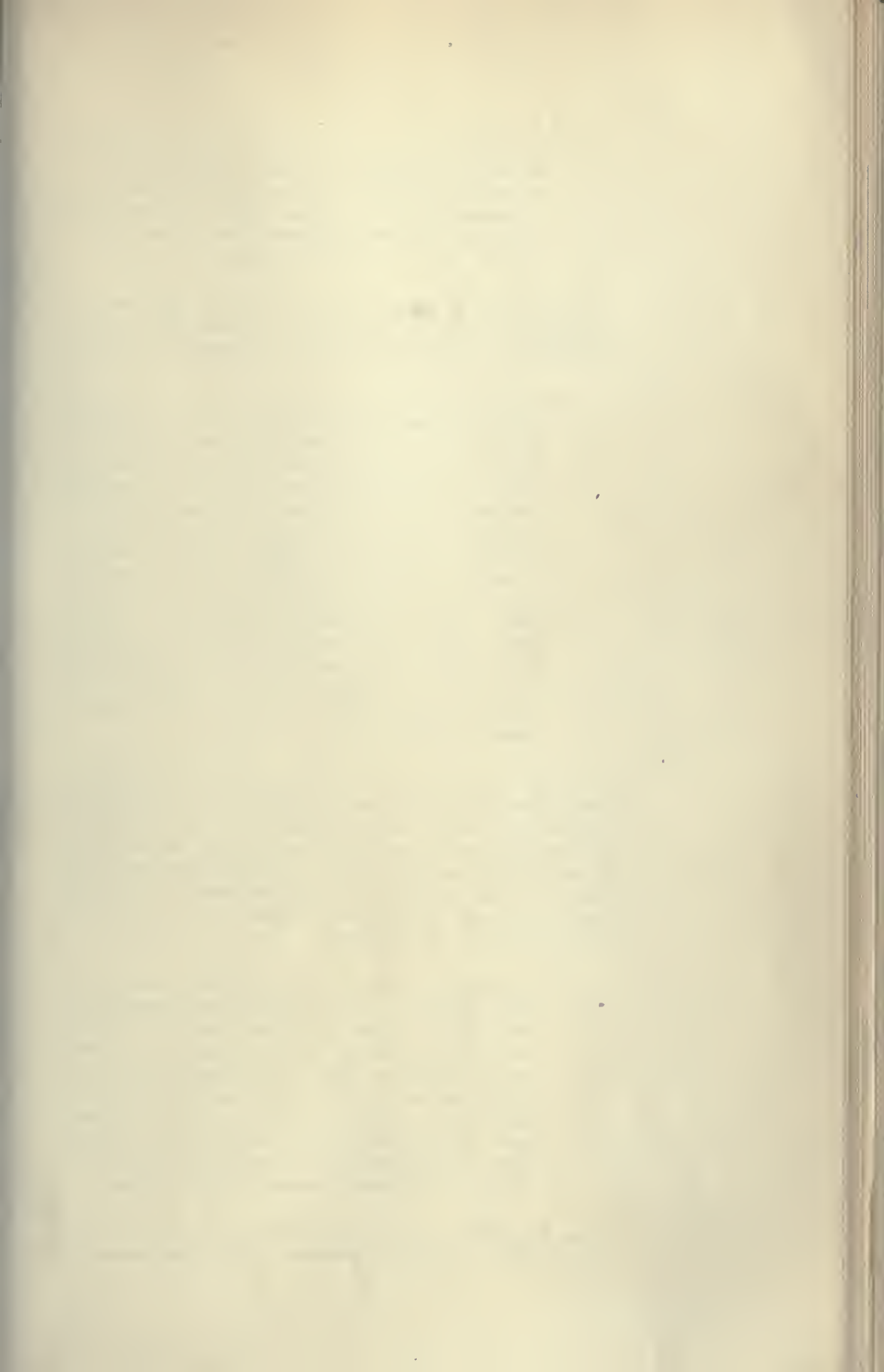
(iv) By striking out subsection *o* of section 1 of the said agreement and substituting therefor the following:

- (o) To make such extensions to the railway and such alterations in equipment and type and mode of transportation and vehicle used or adopted or to be used or adopted throughout the railway or any part thereof as to the company may appear advantageous and profitable from time to time.

(v) By striking out subsection *d* of section 2 of the said agreement as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

- (d) To keep, observe and perform the covenants, provisions and conditions set forth in this agreement intended to be kept, observed and performed by the corporations, to co-operate by all means within their power at all times with the company to create the most favourable conditions for the carrying out of the objects of this agreement and to increase the revenue of the railway and ensure its success, and to execute such further or other documents and promptly to pass such by-laws as may be requested from time to time by the company for the purpose of fully effectuating the objects and intent of this agreement.

(vi) By inserting after the word "property" in the second line of subsection *e* of section 2 of the said agreement, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, the words "streets and highways," so that the said subsection shall now read as follows:



- (e) To furnish a free right of way for the railway and for the power lines of the company over any property, streets and highways of the corporations upon being so requested by the company, and to execute such conveyance thereof or agreement with regard thereto as may be desired by the company.

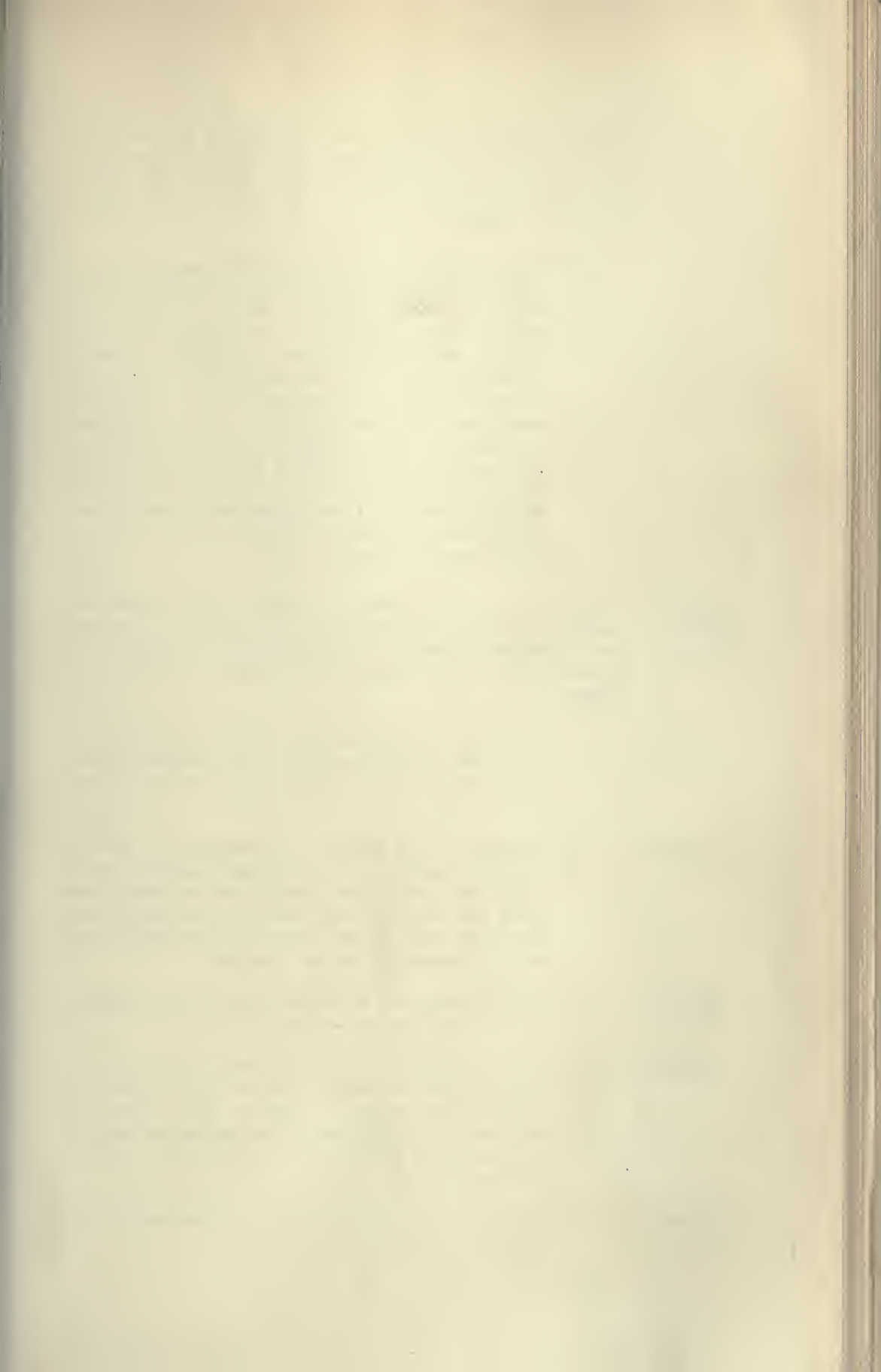
(vii) By striking out section 6 of the said agreement as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

6. In case the company shall at any time or times be prevented from operating the railway or any part thereof by strike, lockout, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond its control, then the company shall not be bound to operate the railway or such part thereof during such time; but the corporations shall not be relieved from any liability or payment under this agreement, and as soon as the cause of such interruption is removed the company, subject to subsection *a* of section 1 hereof, shall, without any delay, continue full operation of the railway, and each of the corporations shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption.

(viii) By striking out the words "The Hydro-Electric Power Commission of Ontario" and the word "Commission" wherever such words and such word appear in section 13 of the said agreement, as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor in each instance respectively the words "the Ontario Municipal Board" and the word "Board," so that the said section shall now read as follows:

13. Any dispute between the corporations arising under this agreement shall be referred for settlement to the Ontario Municipal Board and said Board may upon application fix a time and place to hear all representations that may be made by the corporations and the Board shall settle such dispute and such settlement shall be final. The said Board shall have all the powers that may be conferred upon a Commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

(ix) By striking out the words "The Hydro-Electric Power Commission of Ontario" wherever such words appear in



section 14 of the said agreement as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor in each instance the words "the Ontario Municipal Board", so that the said section shall now read as follows:

14. This agreement shall continue and extend for a period of fifty (50) years from the date the same goes into effect and at the expiration thereof be subject to renewal with the consent of the corporations from time to time for like periods of fifty (50) years. At the expiration of this agreement the Ontario Municipal Board shall determine and adjust the respective rights and liabilities of the corporations as among themselves having regard to the amounts paid or indebtedness incurred by them respectively pursuant to this agreement and to such other considerations as may appear equitable to the Ontario Municipal Board and are approved by the Lieutenant-Governor in Council.

1930, c. 17,
s. 3, re-
enacted.

1932, c. 56,
1933, c. 59.

3. Section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, and *The Statute Law Amendment Act, 1933*, is repealed and the following substituted therefor:

S. W. & A.
Ry. Co.
constituted.

- 3.—(1) There is hereby created and constituted a body corporate and politic under the name of the "Sandwich, Windsor and Amherstburg Railway Company."

Members of
company.

- (2) The Board shall appoint three persons who shall be the only members of the company and who shall hold office during the pleasure of the Board and until their respective successors are appointed, and the Board shall fill any vacancies which may occur in the membership of the company.

Remunera-
tion of
members.

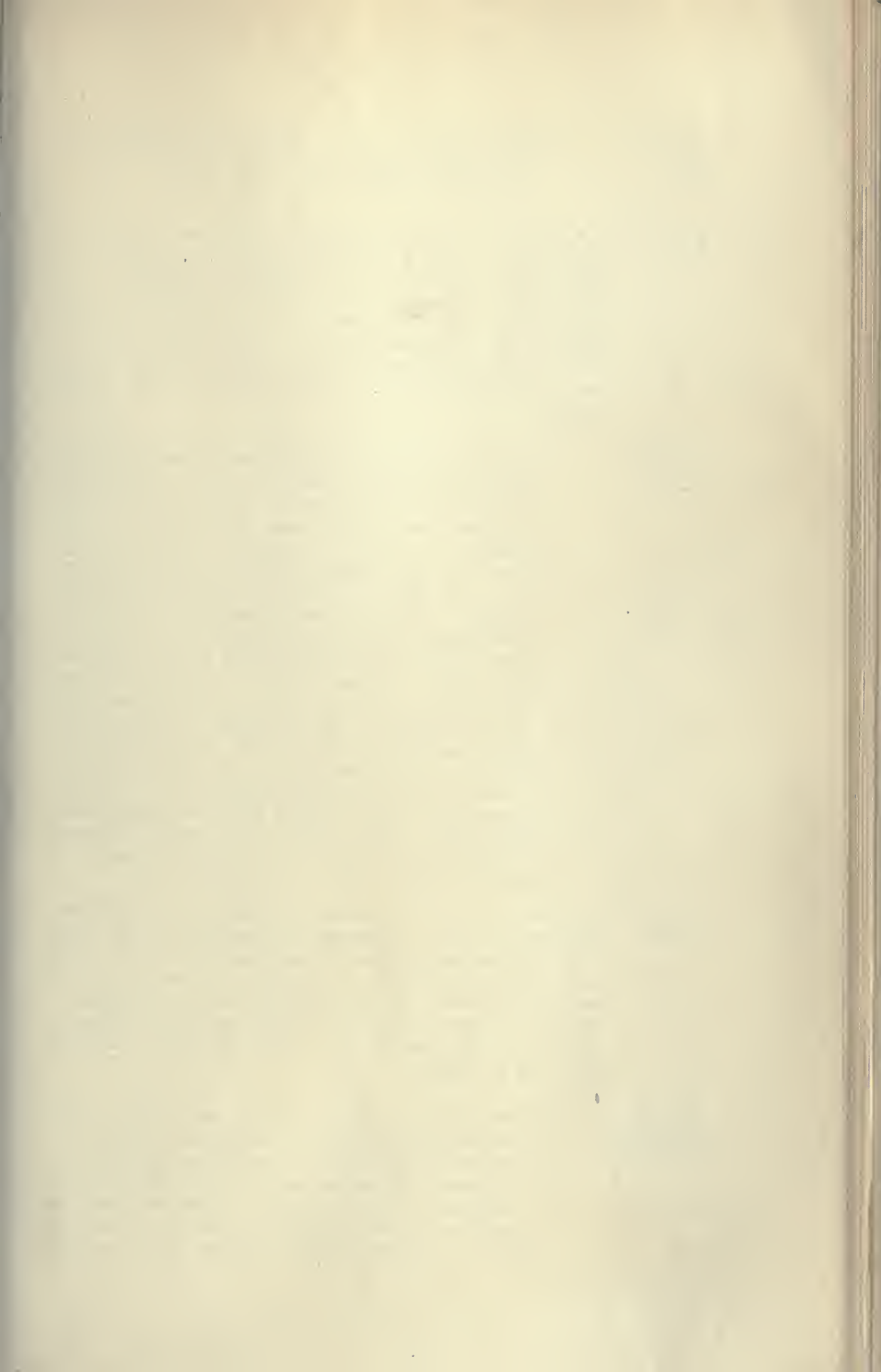
- (3) The remuneration of the members of the company shall be fixed by the Board.

Appointment
of auditors.

- (4) The accounts of the company shall, upon the direction of the Lieutenant-Governor in Council, be audited and reported upon from time to time and at least once every year by an auditor or auditors named in the direction of the Lieutenant-Governor in Council.

Expenses of
audits.

- (5) The expenses of such audits shall be fixed and payable by the company.



Information
to be sup-
plied to
Board.

- (6) The company or the auditors shall furnish such information respecting the affairs of the company as the Board may at any time require.

1930, c. 17,
s. 13,
amended.

4. Section 13 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the first and second lines and in the twelfth and thirteenth lines and inserting in lieu thereof the words "the Ontario Municipal Board," and by inserting after the word "encumbrance" in the sixth line the words "save any claim or right of any unpaid vendor," so that the said section shall now read as follows:

Disposal of
property not
required.

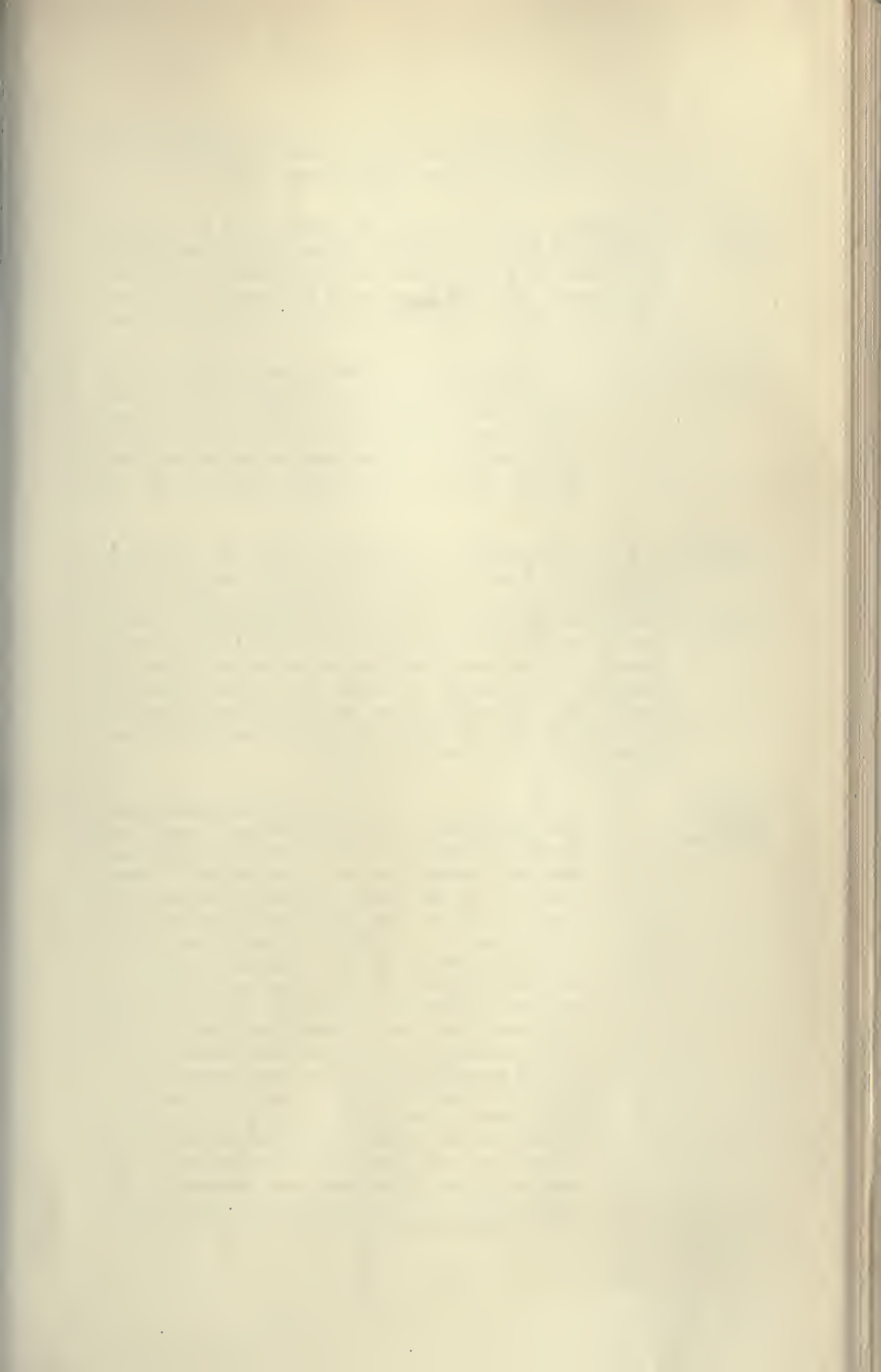
13. With the approval of the Ontario Municipal Board and subject to the terms of any trust deed securing the bonds of the Commission and the bonds of the company, the company upon such terms as it deems proper may lease, sell or otherwise dispose of, free from any lien, charge, mortgage or encumbrance, save any claim or right of any unpaid vendor, any property, real or personal, which the company may deem unnecessary for the purpose of the railway or any section or expansion thereof, and the company shall use or dispose of the proceeds thereof only for the purposes of the railway in such expenditures or for reimbursing the company for such expenditures as are approved by the Ontario Municipal Board or shall invest the same in securities in which trustees may by the laws of the Province of Ontario invest trust funds or shall apply the same for the retirement of the bonds of the company or partly in one way and partly in any other or others.

1930, c. 17,
s. 17,
amended.

5. Section 17 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the sixth and seventh lines and inserting in lieu thereof the words "the Ontario Municipal Board," and by striking out the word "Commission" in the last line and inserting in lieu thereof the word "Board", so that the said section shall now read as follows:

Right of cor-
porations to
contribution
from others.

17. Notwithstanding the joint and several liability of the corporations under the provisions contained in sections 12 and 15 of this Act any corporation may, in respect of moneys paid by such corporation in any year, recover contribution from the other corporations to such amount as shall be determined by the Ontario Municipal Board in its sole dis-



cretion. Any dispute between the corporations or any of them under this section may be settled by the Board, whose decision shall be final.

1930, c. 17,
s. 18,
amended.

6. Section 18 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the sixth and seventh lines and inserting in lieu thereof the words "the Board," so that the said section shall now read as follows:

Extension
of railway.

18. The railway may from time to time be extended into any municipality adjacent to the municipalities the corporations of which are parties to said agreement between the corporations and the company, but only upon such terms and conditions as may be approved by the majority of the corporations and by the Board.

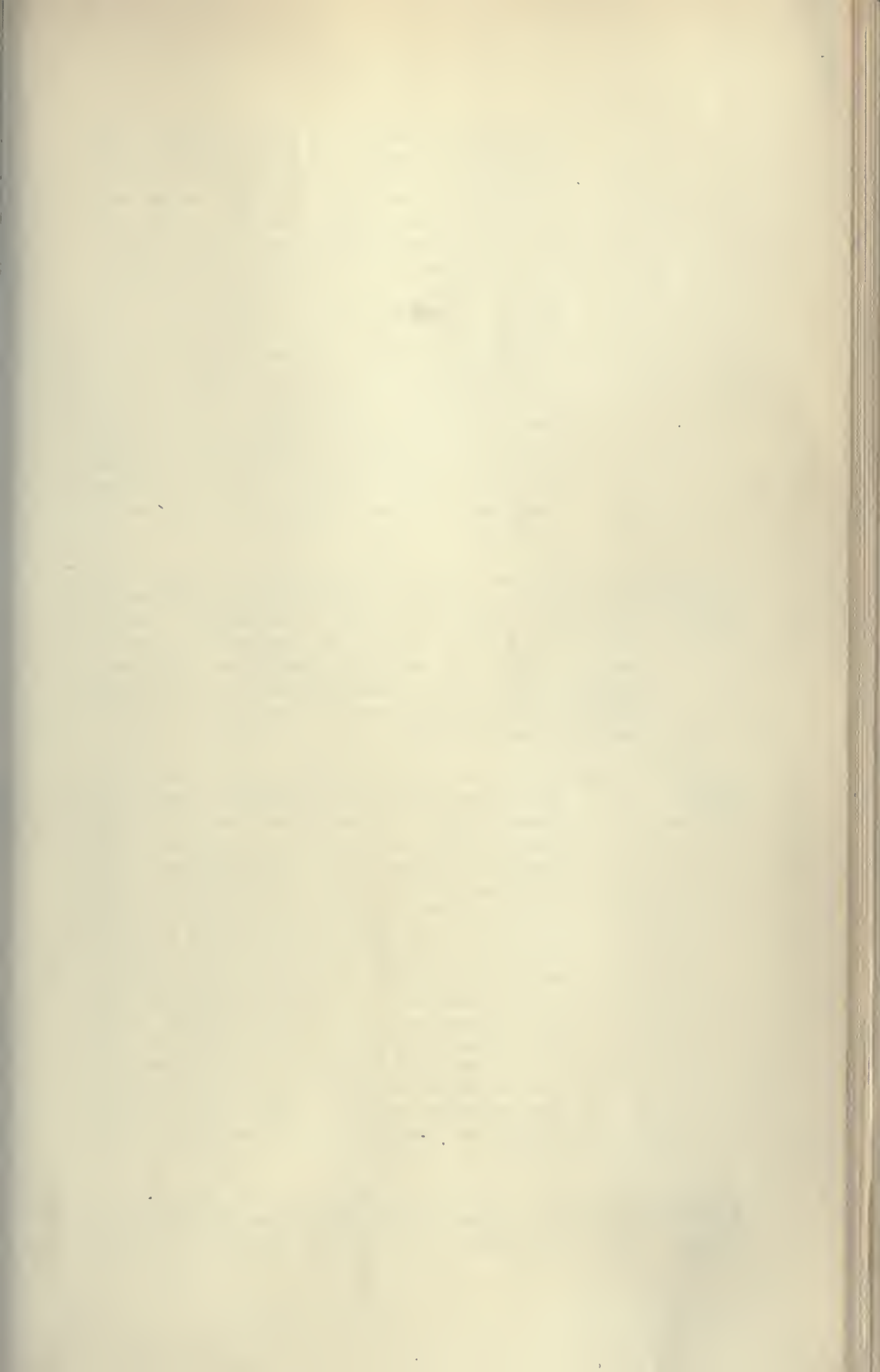
1930, c. 17,
s. 23, subs. 1,
amended.

7.—(1) Subsection 1 of section 23 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as amended by subsection 1 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is further amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the twenty-sixth and twenty-seventh lines and inserting in lieu thereof the words "the Ontario Municipal Board," and by inserting after the word "Commission" in the thirty-first line the words "the Board," so that the said subsection shall now read as follows:

1932, c. 56.

Effect of
alteration in
municipal
boundaries.

(1) In the event of any alteration of the boundaries of the municipalities of the corporations which are parties to said agreement between the corporations and the company referred to in section 7 hereof either by the subdivision, redivision, absorption or amalgamation of said municipalities or any part thereof into new or existing corporations or by the annexation thereto of any additional territory or by the annexation thereof or any part thereof by any other municipal corporation, or in any other way whatsoever, the original corporations whose boundaries have been so altered shall remain parties to said agreement and the new corporations, if any, so formed shall upon their formation be parties to said agreement and be subject to all the provisions of this Act and of said agreement; and all of the ratepayers of the corporation the boundaries of the municipality of which have been enlarged by the annexation to it of the whole or any part of any other municipality shall be liable for the rates levied



to meet the obligations of such corporation under said agreement and also the obligations of any other corporation the whole of which has been annexed to it; and any municipal corporation whose boundaries have been reduced and the ratepayers of such reduced municipality shall remain liable for the obligations of that corporation; but the respective liabilities of any new corporations so formed and of corporations whose boundaries have been so reduced or enlarged as between themselves shall be determined by the Ontario Municipal Board, whose decision shall be final and binding upon all the corporations, provided that nothing in this section contained shall entitle any corporation to a return of any debentures heretofore or hereafter issued and deposited by it with the Commission, the Board or the company, except in accordance with the provisions hereinafter in this section contained.

1930, c. 17,
s. 23, subs. 2,
(1932, c. 56,
s. 3 (2)),
amended.

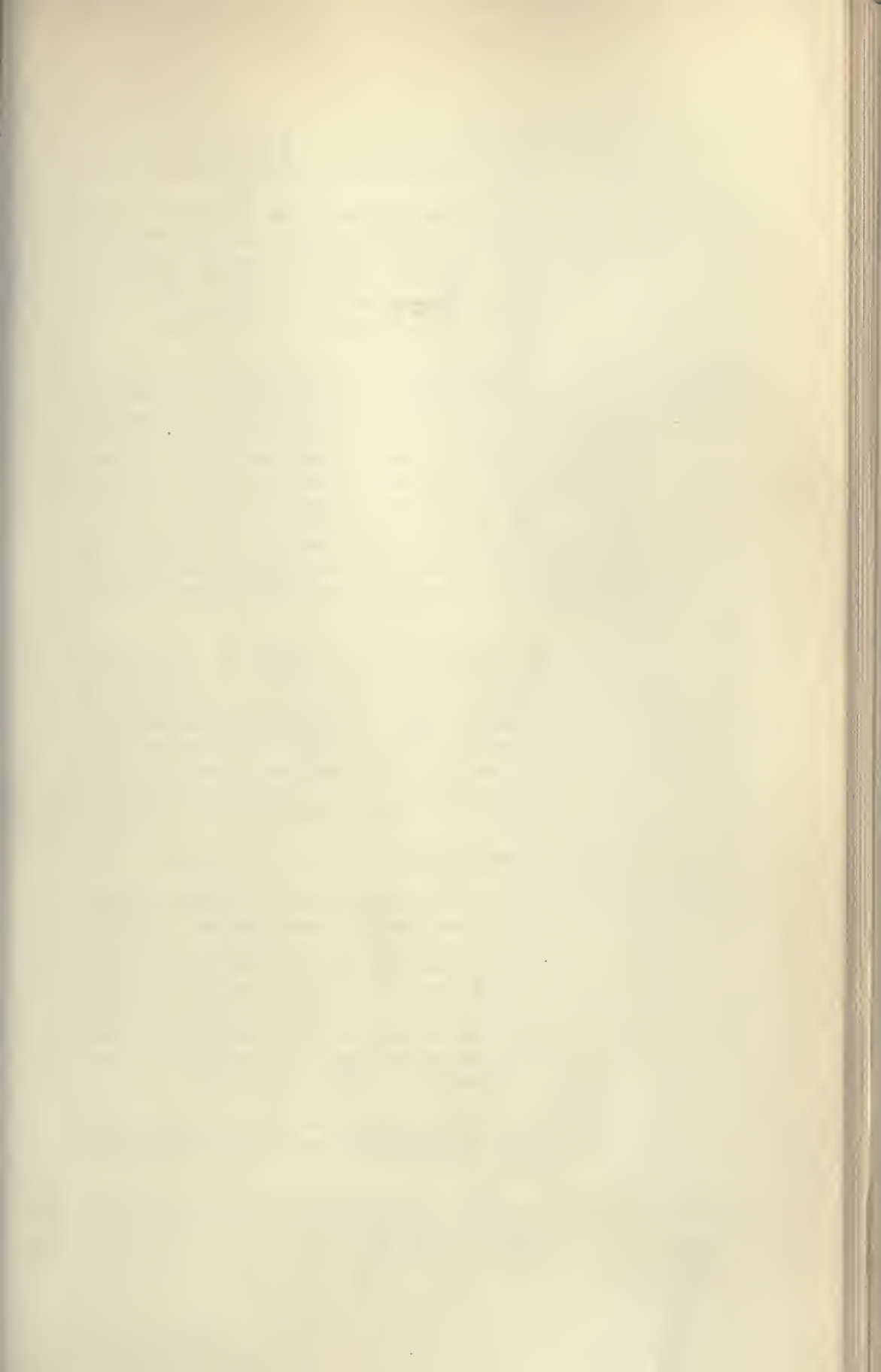
(2) Subsection 2 of the said section 23 as enacted by subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is amended by inserting after the word "or" in the fifth line the words "the Board," and by striking out the word "commission" wherever it appears in the fourteenth and fifteenth lines and inserting in lieu thereof the word "Board," so that the said subsection shall now read as follows:

Substitution
of debentures on
boundary
alterations.

(2) If by reason of any alteration in the boundaries of the municipalities of the corporations made either before or after the date of enactment of this Act the commission in its discretion shall have determined or the Board shall hereafter determine that an adjustment be made in the respective liabilities of the corporations heretofore or hereafter arising in respect of the operation of the railway and in the respective amounts of debentures of the respective corporations mortgaged, hypothecated and pledged to the trustee under the indenture securing the bonds of the commission, the company, subject to the terms of such trust indenture, may with the approval of the Board and shall when directed by the Board cancel, release and deliver up to any corporation any debentures issued and deposited by it with the commission together with all coupons attached thereto.

1930, c. 17,
s. 23, subs. 8,
(1932, c. 56,
s. 3 (2)),
amended.

(3) Subsection 8 of the said section 23 as enacted by subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is amended by inserting



after the word "commission" in the first line the words "the Board," so that the said subsection shall now read as follows:

Power to
carry out
adjustment.

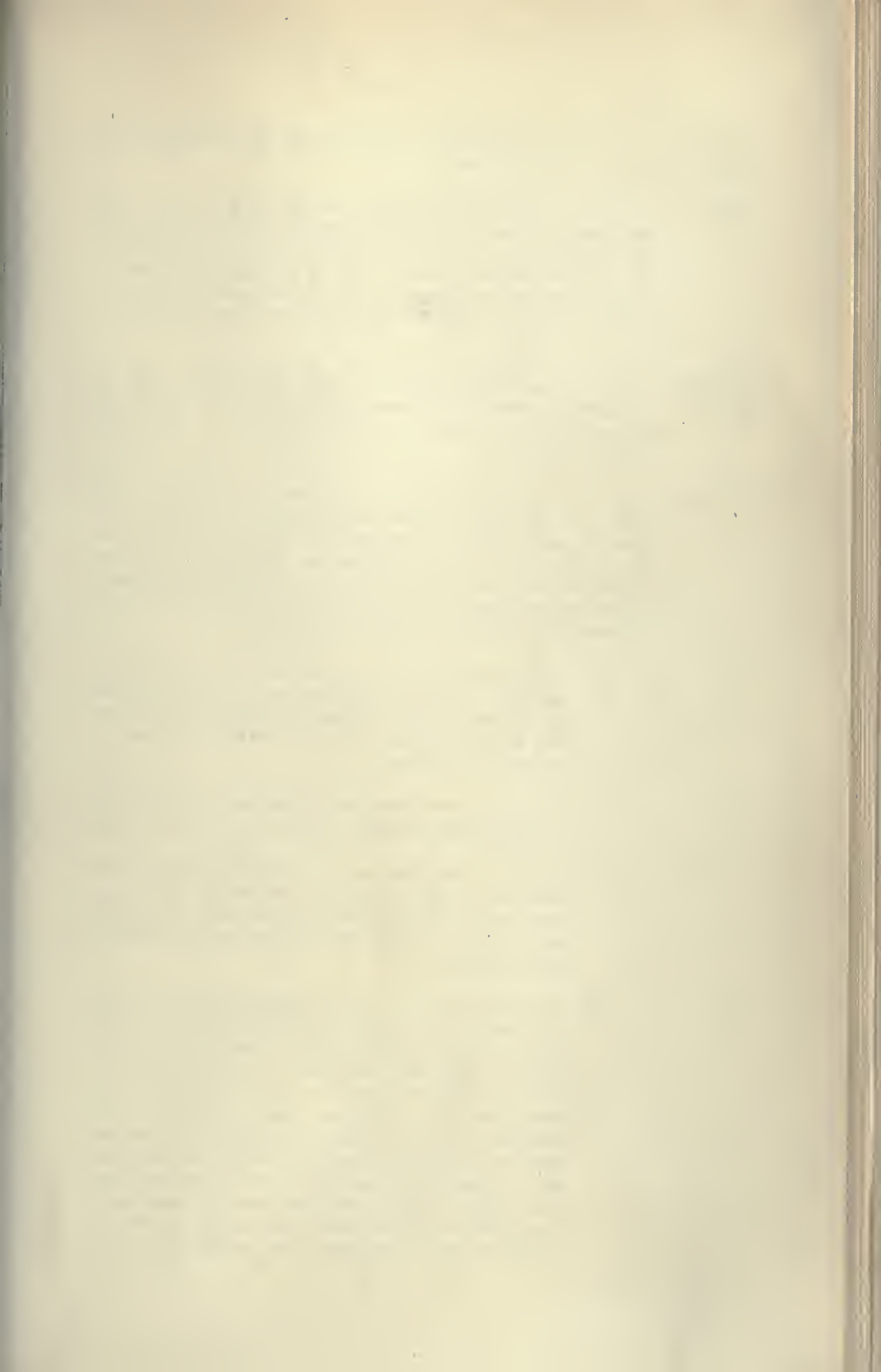
- (8) The commission, the Board, the company, the trust company and each of the corporations shall have power to do and perform all acts, matters and things necessary to fully carry into effect the provisions of this section and the terms and requirements of any adjustment made thereunder.

Powers of
company to
pass by-laws
respecting
operations.

8.—(1) Notwithstanding the provisions of any general or special Act, the Sandwich, Windsor and Amherstburg Railway Company may pass by-laws for the following purposes, provided that no such by-law shall come into force or effect unless and until the councils of every municipal corporation designated therein shall have by resolution consented thereto or, in default of such consent being given within two weeks after the receipt by such municipal corporations of the request of the said company therefor, unless and until the Ontario Municipal Board shall have, upon application of the said company, by order approved such by-law, that is to say,—

- (a) for regulating traffic including the location and erection of signs and lights for the guidance and direction of traffic, regulating or prohibiting the parking of vehicles, designating, marking and locating bus stops or bus stands, or locating and constructing passenger platform facilities, on such streets and to such extent as may be reasonably necessary to facilitate the operations of the said company;
- (b) for designating and locating a terminal site;
- (c) subject to the provisions of *The Gasoline Handling Act* and the regulations made thereunder, for constructing, erecting and maintaining on the said company's premises storage tanks and other facilities for the handling and storing of the said company's gasoline, benzine, motor oils, motor fuels and lubricants, and the approval and confirmation of any such construction, erection and maintenance heretofore begun, completed or undertaken;
- (d) generally regarding matters affecting or ancillary to the said company's transportation units, systems and services;
- (e) for imposing penalties for the violation of any such by-law not exceeding, exclusive of costs, the sum of \$50 for each offence.

Rev. Stat.,
c. 332.



Municipalities affected to be designated.

(2) Every such by-law shall designate the municipal corporations affected thereby.

Effect of by-laws.

(3) Every such by-law shall be valid and effective in each municipality designated therein and in so far as any such by-law differs from or is inconsistent with any by-law passed by the commissioners of police or by the council of any of the corporations designated in any by-law passed under this section, the by-law passed under this section shall prevail.

Recovery of penalties. Rev. Stat., c. 136.

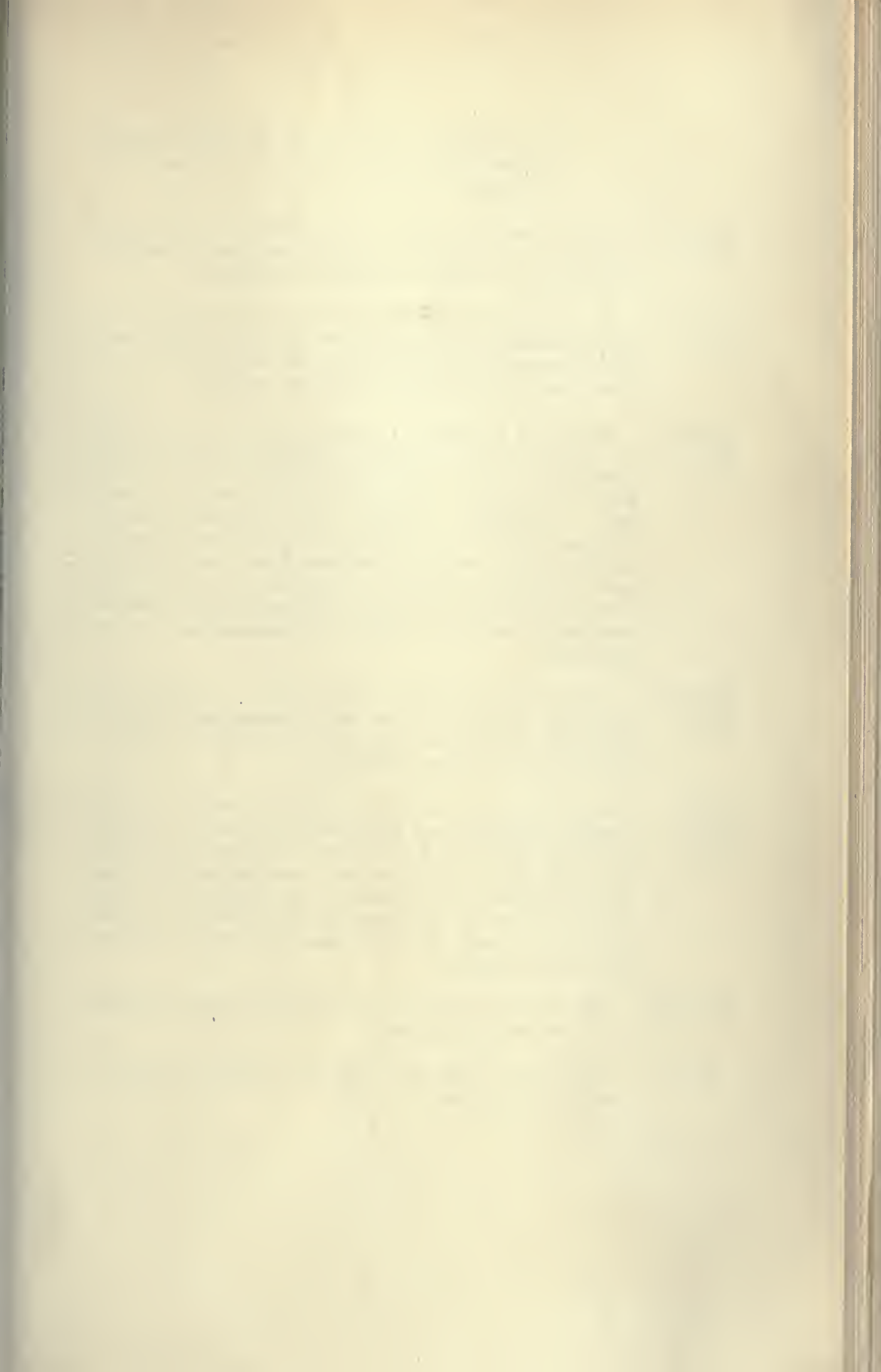
(4) The penalties imposed by any such by-law shall be recoverable under *The Summary Convictions Act* and shall be paid to the treasurer of the municipality in which the offence occurred.

Declaration as to powers.

1930, c. 17.

9.—(1) Notwithstanding the provisions of this or any other Act, or of the agreement mentioned in section 2 of this Act, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and as further amended by this Act, it is hereby declared that the Sandwich, Windsor and Amherstburg Railway Company has and has had since the 22nd day of September, 1934, power and authority,—

- (a) to abandon the operation of its electric street railway systems, or any part thereof, and vary or abandon any of the routes mentioned in Schedule "A" to the said agreement and substitute therefor a system or systems of bus lines;
- (b) to acquire motor buses, motor coaches or other types of vehicle and equipment and accessories therefor;
- (c) to operate bus lines and the vehicles used thereon over such routes as the said company from time to time may deem advisable, and generally do all acts and enter into all contracts which the said company deems advisable;
- (d) while operating as a going concern and prior to the institution of proceedings against the said company by or on behalf of the holders of bonds of the Commission issued in connection with the railway or bonds or debentures of the said company to sell, lease, mortgage, pledge or otherwise dispose of or alienate by way of collateral security or otherwise any of its equipment, chattel property, book accounts and prospective or earned or to be earned fares and tolls, and thereby to confer upon the purchaser, lessee, mortgagee, pledgee or alienee title thereto or interest therein, free, clear and unaffected by the



lien, mortgage, hypothecation or charge, statutory or otherwise, of or securing any of the said bonds and debentures.

Past exercise of powers confirmed.

(2) The exercise, prior to the coming into force of this Act, by the said company of any of the powers mentioned in this section is hereby validated and confirmed.

Future exercise of powers.

(3) The said company shall, after the coming into force of this Act, obtain the approval of the Ontario Municipal Board to the exercise of any of the powers mentioned in this section in such manner as the said Board may determine.

Agreement of Jan. 1st, 1920, as amended, binding.

10.—(1) The agreement mentioned in section 2 of this Act as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and as further amended by this Act is hereby declared to be in full force and effect and to be binding upon the Sandwich, Windsor and Amherstburg Railway Company and the municipal corporations of the township of Sandwich East, township of Sandwich West, town of Ojibway, town of Amherstburg, town of Tecumseh, town of Riverside, town of La Salle and the city of Windsor and any additional municipal corporations which may become parties to the said agreement.

No derogation of powers.

(2) It is hereby further declared that in construing the rights and obligations of the said company and of the said corporations under the said agreement full effect shall be given to the provisions of this Act.

Power to vary number of members of company.

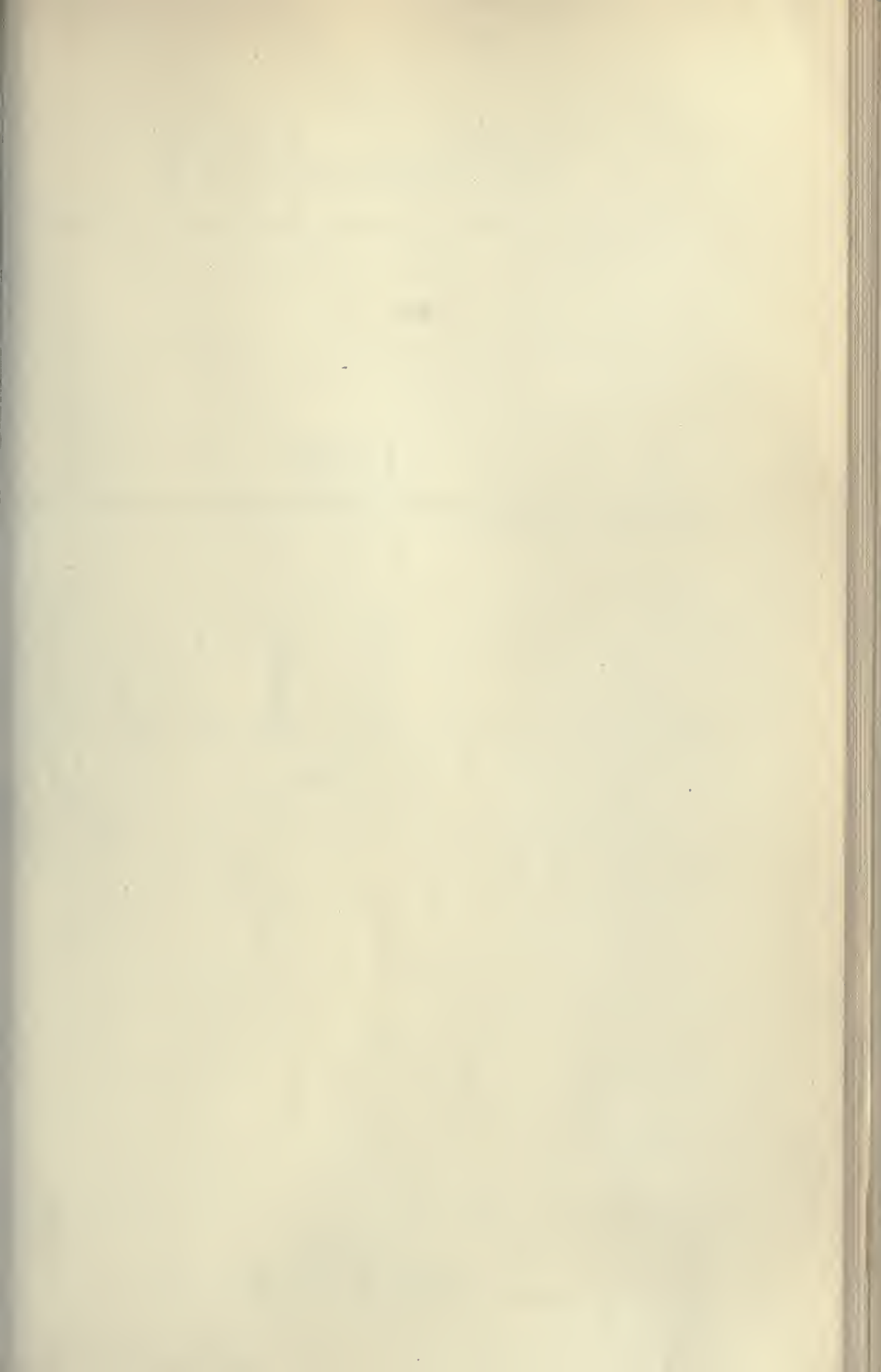
11. Notwithstanding the provisions of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of this Act, the Lieutenant-Governor in Council may vary the number of members of the company and may appoint as a member of the company any person or persons nominated by any of the corporations or such person or persons as the Lieutenant-Governor in Council may deem advisable.

Commencement of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1939*.



BILL

An Act respecting the Sandwich, Windsor
and Amherstburg Railway.

1st Reading

April 6th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 73

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1930, c. 17,
s. 2, cl. b,
re-enacted.

1.—(1) Clause *b* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is repealed and the following substituted therefor:

"Railway";
"Sandwich,
Windsor and
Amherstburg
Railway."

(b) "Railway" or "Sandwich, Windsor and Amherstburg Railway" shall mean all the assets, undertakings and property of every kind and nature formerly belonging to the Sandwich, Windsor and Amherstburg Railway and the Windsor and Tecumseh Electric Railway Company, and acquired by The Hydro-Electric Power Commission of Ontario pursuant to said agreement dated 14th January, 1920, and every improvement, addition and extension thereof and thereto heretofore or hereafter made and every asset acquired and used or operated in substitution or replacement therefor and thereof by the company.

1930, c. 17,
s. 2,
amended.

(2) The said section is further amended by adding thereto the following clause:

"Board."

(f) "Board" shall mean the Ontario Municipal Board.

Agreement
of Jan. 1st,
1920,
amended.

1914, c. 31,
1920, c. 57.

2. The agreement authorized by *The Hydro-Electric Railway Act, 1914*, and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporations of township of Sandwich East, township of Sandwich West, city of East Windsor (formerly the town of Ford City), town of Walkerville, town of Sandwich, town of Ojibway, town of Amherstburg and city of Windsor, dated 1st January, 1920, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is further amended as follows:

1930, c. 17.

(i) By striking out the recitals of the said agreement as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

"Whereas The Hydro-Electric Power Commission of Ontario on behalf of the corporations constructed, equipped and operated a system of electric railways (known as the Sandwich, Windsor and Amherstburg Railway and, together with any system or systems of bus lines operated by or on behalf of the company in addition and as an improvement to or in substitution for, or partly the one and partly the other, the said system of electric railways, hereinafter referred to as the "railway") over the routes laid down in Schedule "A" hereto; and whereas all the assets and undertakings of the said railway as operated by the said Commission were acquired from the said Commission by the company subject to the payment by the company of all liabilities incurred by the Commission in connection with such construction, equipment and operation and to the payment by the company of the principal and interest of all bonds heretofore issued by said Commission in respect of said railway."

(ii) By adding at the end of the provision, hereinafter referred to as subsection *a*, substituted for subsections *a* and *b* of section 1 of the said agreement by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, the following words "or over such other routes as to the company may appear advantageous and profitable from time to time; provided the company may vary, abandon or restore any such route or any part or parts thereof as it may in its discretion determine," so that the said provision shall now read as follows:

(a) To equip, operate and maintain the railway over the routes laid down in Schedule "A" and through the districts in which the corporations are situate or over such other routes as to the company may appear advantageous and profitable from time to time; provided the company may vary, abandon or restore any such route or any part or parts thereof as it may in its discretion determine.

(iii) By striking out the words "The Hydro-Electric Power Commission of Ontario" in the tenth and eleventh lines of the provision, hereinafter referred to as subsection *j*, substituted for subsections *j* and *m* of the said agreement by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act*,

1930, and substituting therefor the words "the Ontario Municipal Board," so that the said provision shall now read as follows:

- (j) When all bonds issued by The Hydro-Electric Power Commission of Ontario and the company in respect of the said railway and all other liabilities and indebtedness of the company have been paid in full, to sell or otherwise dispose of the railway in such manner and at such time and for such price as may be approved by a majority of the corporations and to divide the proceeds of the sale of such assets among the corporations in the proportion agreed upon between them or failing such agreement in the proportion fixed by the Ontario Municipal Board whose decision shall be final.

(iv) By striking out subsection *o* of section 1 of the said agreement and substituting therefor the following:

- (o) To make such extensions to the railway and such alterations in equipment and type and mode of transportation and vehicle used or adopted or to be used or adopted throughout the railway or any part thereof as to the company may appear advantageous and profitable from time to time.

(v) By striking out subsection *d* of section 2 of the said agreement as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

- (d) To keep, observe and perform the covenants, provisions and conditions set forth in this agreement intended to be kept, observed and performed by the corporations, to co-operate by all means within their power at all times with the company to create the most favourable conditions for the carrying out of the objects of this agreement and to increase the revenue of the railway and ensure its success, and to execute such further or other documents and promptly to pass such by-laws as may be requested from time to time by the company for the purpose of fully effectuating the objects and intent of this agreement.

(vi) By inserting after the word "property" in the second line of subsection *e* of section 2 of the said agreement, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, the words "streets and highways," so that the said subsection shall now read as follows:

- (e) To furnish a free right of way for the railway and for the power lines of the company over any property, streets and highways of the corporations upon being so requested by the company, and to execute such conveyance thereof or agreement with regard thereto as may be desired by the company.

(vii) By striking out section 6 of the said agreement as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

6. In case the company shall at any time or times be prevented from operating the railway or any part thereof by strike, lockout, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond its control, then the company shall not be bound to operate the railway or such part thereof during such time; but the corporations shall not be relieved from any liability or payment under this agreement, and as soon as the cause of such interruption is removed the company, subject to subsection *a* of section 1 hereof, shall, without any delay, continue full operation of the railway, and each of the corporations shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption.

(viii) By striking out the words "The Hydro-Electric Power Commission of Ontario" and the word "Commission" wherever such words and such word appear in section 13 of the said agreement, as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor in each instance respectively the words "the Ontario Municipal Board" and the word "Board," so that the said section shall now read as follows:

13. Any dispute between the corporations arising under this agreement shall be referred for settlement to the Ontario Municipal Board and said Board may upon application fix a time and place to hear all representations that may be made by the corporations and the Board shall settle such dispute and such settlement shall be final. The said Board shall have all the powers that may be conferred upon a Commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

(ix) By striking out the words "The Hydro-Electric Power Commission of Ontario" wherever such words appear in

section 14 of the said agreement as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor in each instance the words "the Ontario Municipal Board", so that the said section shall now read as follows:

14. This agreement shall continue and extend for a period of fifty (50) years from the date the same goes into effect and at the expiration thereof be subject to renewal with the consent of the corporations from time to time for like periods of fifty (50) years. At the expiration of this agreement the Ontario Municipal Board shall determine and adjust the respective rights and liabilities of the corporations as among themselves having regard to the amounts paid or indebtedness incurred by them respectively pursuant to this agreement and to such other considerations as may appear equitable to the Ontario Municipal Board and are approved by the Lieutenant-Governor in Council.

1930, c. 17,
s. 3, re-
enacted.
1932, c. 56,
1933, c. 59.

3. Section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, and *The Statute Law Amendment Act, 1933*, is repealed and the following substituted therefor:

S. W. & A.
Ry. Co.
constituted.

- 3.—(1) There is hereby created and constituted a body corporate and politic under the name of the "Sandwich, Windsor and Amherstburg Railway Company."

Members of
company.

- (2) The Board shall appoint three persons who shall be the only members of the company and who shall hold office during the pleasure of the Board and until their respective successors are appointed, and the Board shall fill any vacancies which may occur in the membership of the company.

Remunera-
tion of
members.

- (3) The remuneration of the members of the company shall be fixed by the Board.

Appointment
of auditors.

- (4) The accounts of the company shall, upon the direction of the Lieutenant-Governor in Council, be audited and reported upon from time to time and at least once every year by an auditor or auditors named in the direction of the Lieutenant-Governor in Council.

Expenses of
audits.

- (5) The expenses of such audits shall be fixed and payable by the company.

- (6) The company or the auditors shall furnish such information respecting the affairs of the company as the Board may at any time require. Information to be supplied to Board.

4. Section 13 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the first and second lines and in the twelfth and thirteenth lines and inserting in lieu thereof the words "the Ontario Municipal Board," and by inserting after the word "encumbrance" in the sixth line the words "save any claim or right of any unpaid vendor," so that the said section shall now read as follows: 1930, c. 17, s. 13, amended.

13. With the approval of the Ontario Municipal Board and subject to the terms of any trust deed securing the bonds of the Commission and the bonds of the company, the company upon such terms as it deems proper may lease, sell or otherwise dispose of, free from any lien, charge, mortgage or encumbrance, save any claim or right of any unpaid vendor, any property, real or personal, which the company may deem unnecessary for the purpose of the railway or any section or extension thereof, and the company shall use or dispose of the proceeds thereof only for the purposes of the railway in such expenditures or for reimbursing the company for such expenditures as are approved by the Ontario Municipal Board or shall invest the same in securities in which trustees may by the laws of the Province of Ontario invest trust funds or shall apply the same for the retirement of the bonds of the company or partly in one way and partly in any other or others. Disposal of property not required.

5. Section 17 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the sixth and seventh lines and inserting in lieu thereof the words "the Ontario Municipal Board," and by striking out the word "Commission" in the last line and inserting in lieu thereof the word "Board", so that the said section shall now read as follows: 1930, c. 17, s. 17, amended.

17. Notwithstanding the joint and several liability of the corporations under the provisions contained in sections 12 and 15 of this Act any corporation may, in respect of moneys paid by such corporation in any year, recover contribution from the other corporations to such amount as shall be determined by the Ontario Municipal Board in its sole dis- Right of corporations to contribution from others.

cretion. Any dispute between the corporations or any of them under this section may be settled by the Board, whose decision shall be final.

1930, c. 17,
s. 18,
amended.

6. Section 18 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the sixth and seventh lines and inserting in lieu thereof the words "the Board," so that the said section shall now read as follows:

Extension
of railway.

18. The railway may from time to time be extended into any municipality adjacent to the municipalities the corporations of which are parties to said agreement between the corporations and the company, but only upon such terms and conditions as may be approved by the majority of the corporations and by the Board.

1930, c. 17,
s. 23, subs. 1,
amended.

1932, c. 56.

7.—(1) Subsection 1 of section 23 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as amended by subsection 1 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is further amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the twenty-sixth and twenty-seventh lines and inserting in lieu thereof the words "the Ontario Municipal Board," and by inserting after the word "Commission" in the thirty-first line the words "the Board," so that the said subsection shall now read as follows:

Effect of
alteration in
municipal
boundaries.

(1) In the event of any alteration of the boundaries of the municipalities of the corporations which are parties to said agreement between the corporations and the company referred to in section 7 hereof either by the subdivision, redivision, absorption or amalgamation of said municipalities or any part thereof into new or existing corporations or by the annexation thereto of any additional territory or by the annexation thereof or any part thereof by any other municipal corporation, or in any other way whatsoever, the original corporations whose boundaries have been so altered shall remain parties to said agreement and the new corporations, if any, so formed shall upon their formation be parties to said agreement and be subject to all the provisions of this Act and of said agreement; and all of the ratepayers of the corporation the boundaries of the municipality of which have been enlarged by the annexation to it of the whole or any part of any other municipality shall be liable for the rates levied

to meet the obligations of such corporation under said agreement and also the obligations of any other corporation the whole of which has been annexed to it; and any municipal corporation whose boundaries have been reduced and the ratepayers of such reduced municipality shall remain liable for the obligations of that corporation; but the respective liabilities of any new corporations so formed and of corporations whose boundaries have been so reduced or enlarged as between themselves shall be determined by the Ontario Municipal Board, whose decision shall be final and binding upon all the corporations, provided that nothing in this section contained shall entitle any corporation to a return of any debentures heretofore or hereafter issued and deposited by it with the Commission, the Board or the company, except in accordance with the provisions hereinafter in this section contained.

(2) Subsection 2 of the said section 23 as enacted by ^{1930, c. 17, s. 23, subs. 2, (1932, c. 56, s. 3 (2))} amended. subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is amended by inserting after the word "or" in the fifth line the words "the Board," and by striking out the word "commission" wherever it appears in the fourteenth and fifteenth lines and inserting in lieu thereof the word "Board," so that the said subsection shall now read as follows:

(2) If by reason of any alteration in the boundaries of ^{Substitution of debentures on boundary alterations.} the municipalities of the corporations made either before or after the date of enactment of this Act the commission in its discretion shall have determined or the Board shall hereafter determine that an adjustment be made in the respective liabilities of the corporations heretofore or hereafter arising in respect of the operation of the railway and in the respective amounts of debentures of the respective corporations mortgaged, hypothecated and pledged to the trustee under the indenture securing the bonds of the commission, the company, subject to the terms of such trust indenture, may with the approval of the Board and shall when directed by the Board cancel, release and deliver up to any corporation any debentures issued and deposited by it with the commission together with all coupons attached thereto.

(3) Subsection 8 of the said section 23 as enacted by ^{1930, c. 17, s. 23, subs. 8, (1932, c. 56, s. 3 (2))} amended. subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is amended by inserting

after the word "commission" in the first line the words "the Board," so that the said subsection shall now read as follows:

Power to
carry out
adjustment.

- (8) The commission, the Board, the company, the trust company and each of the corporations shall have power to do and perform all acts, matters and things necessary to fully carry into effect the provisions of this section and the terms and requirements of any adjustment made thereunder.

Powers of
company to
pass by-laws
respecting
operations.

8.—(1) Notwithstanding the provisions of any general or special Act, the Sandwich, Windsor and Amherstburg Railway Company may pass by-laws for the following purposes, provided that no such by-law shall come into force or effect unless and until the councils of every municipal corporation designated therein shall have by resolution consented thereto or, in default of such consent being given within two weeks after the receipt by such municipal corporations of the request of the said company therefor, unless and until the Ontario Municipal Board shall have, upon application of the said company, by order approved such by-law, that is to say,—

- (a) for regulating traffic including the location and erection of signs and lights for the guidance and direction of traffic, regulating or prohibiting the parking of vehicles, designating, marking and locating bus stops or bus stands, or locating and constructing passenger platform facilities, on such streets and to such extent as may be reasonably necessary to facilitate the operations of the said company;
- (b) for designating and locating a terminal site;
- (c) subject to the provisions of *The Gasoline Handling Act* and the regulations made thereunder, for constructing, erecting and maintaining on the said company's premises storage tanks and other facilities for the handling and storing of the said company's gasoline, benzine, motor oils, motor fuels and lubricants, and the approval and confirmation of any such construction, erection and maintenance heretofore begun, completed or undertaken;
- (d) generally regarding matters affecting or ancillary to the said company's transportation units, systems and services;
- (e) for imposing penalties for the violation of any such by-law not exceeding, exclusive of costs, the sum of \$50 for each offence.

Rev. Stat.,
c. 332.

(2) Every such by-law shall designate the municipal corporations affected thereby. Municipalities affected to be designated.

(3) Every such by-law shall be valid and effective in each municipality designated therein and in so far as any such by-law differs from or is inconsistent with any by-law passed by the commissioners of police or by the council of any of the corporations designated in any by-law passed under this section, the by-law passed under this section shall prevail. Effect of by-laws.

(4) The penalties imposed by any such by-law shall be recoverable under *The Summary Convictions Act* and shall be paid to the treasurer of the municipality in which the offence occurred. Recovery of penalties. Rev. Stat., c. 136.

9.—(1) Notwithstanding the provisions of this or any other Act, or of the agreement mentioned in section 2 of this Act, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and as further amended by this Act, 1930, c. 17. it is hereby declared that the Sandwich, Windsor and Amherstburg Railway Company has and has had since the 22nd day of September, 1934, power and authority,— Declaration as to powers.

- (a) to abandon the operation of its electric street railway systems, or any part thereof, and vary or abandon any of the routes mentioned in Schedule "A" to the said agreement and substitute therefor a system or systems of bus lines;
- (b) to acquire motor buses, motor coaches or other types of vehicle and equipment and accessories therefor;
- (c) to operate bus lines and the vehicles used thereon over such routes as the said company from time to time may deem advisable, and generally do all acts and enter into all contracts which the said company deems advisable;
- (d) while operating as a going concern and prior to the institution of proceedings against the said company by or on behalf of the holders of bonds of the Commission issued in connection with the railway or bonds or debentures of the said company to sell, lease, mortgage, pledge or otherwise dispose of or alienate by way of collateral security or otherwise any of its equipment, chattel property, book accounts and prospective or earned or to be earned fares and tolls, and thereby to confer upon the purchaser, lessee, mortgagee, pledgee or alienee title thereto or interest therein, free, clear and unaffected by the

lien, mortgage, hypothecation or charge, statutory or otherwise, of or securing any of the said bonds and debentures.

Past exercise of powers confirmed.

(2) The exercise, prior to the coming into force of this Act, by the said company of any of the powers mentioned in this section is hereby validated and confirmed.

Future exercise of powers.

(3) The said company shall, after the coming into force of this Act, obtain the approval of the Ontario Municipal Board to the exercise of any of the powers mentioned in this section in such manner as the said Board may determine.

Agreement of Jan. 1st, 1920, as amended, binding.

10.—(1) The agreement mentioned in section 2 of this Act as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and as further amended by this Act is hereby declared to be in full force and effect and to be binding upon the Sandwich, Windsor and Amherstburg Railway Company and the municipal corporations of the township of Sandwich East, township of Sandwich West, town of Ojibway, town of Amherstburg, town of Tecumseh, town of Riverside, town of La Salle and the city of Windsor and any additional municipal corporations which may become parties to the said agreement.

No derogation of powers.

(2) It is hereby further declared that in construing the rights and obligations of the said company and of the said corporations under the said agreement full effect shall be given to the provisions of this Act.

Power to vary number of members of company.

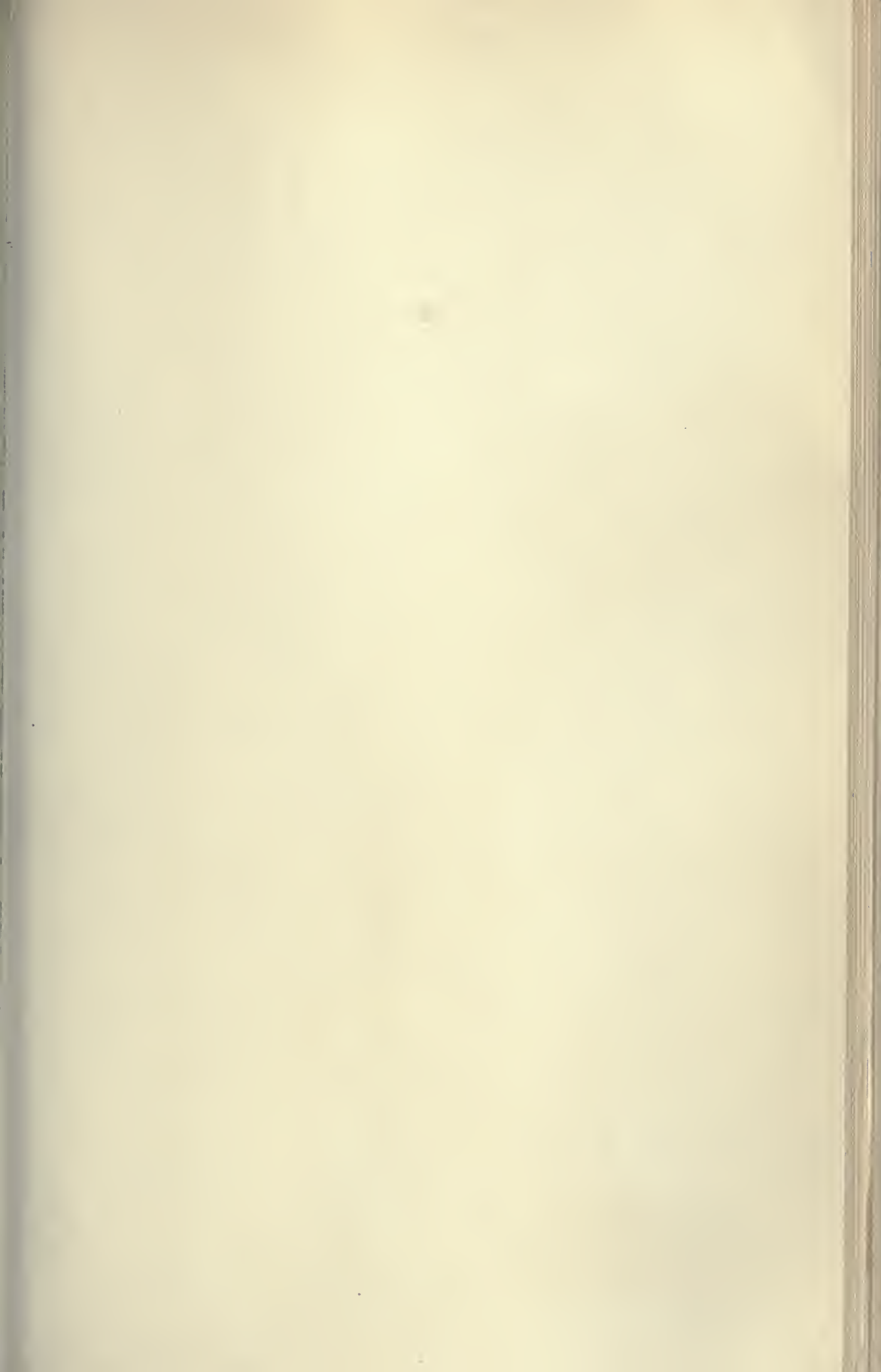
11. Notwithstanding the provisions of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of this Act, the Lieutenant-Governor in Council may vary the number of members of the company and may appoint as a member of the company any person or persons nominated by any of the corporations or such person or persons as the Lieutenant-Governor in Council may deem advisable.

Commencement of Act.

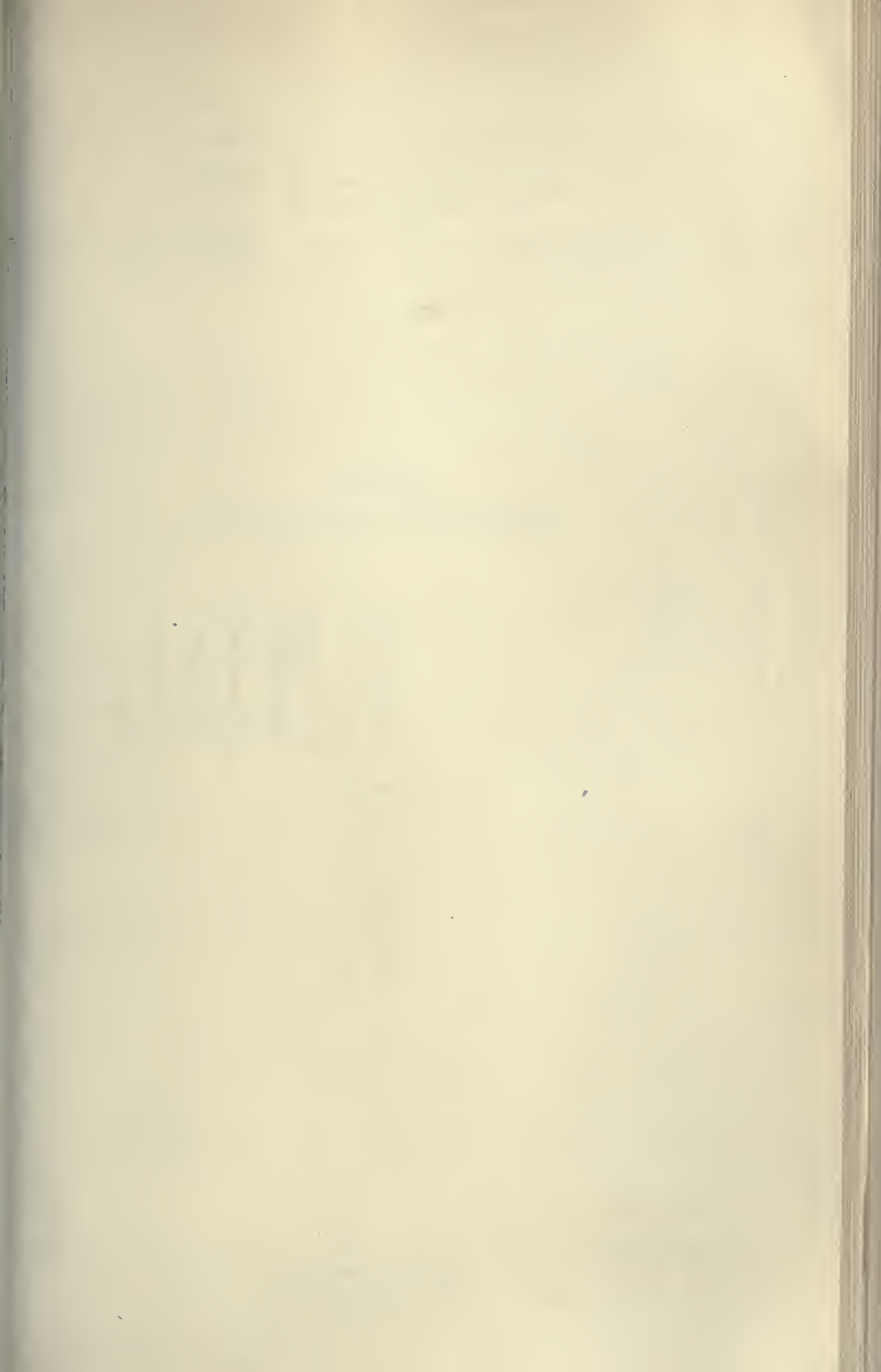
12. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1939*.







An Act respecting the Sandwich, Windsor
and Amherstburg Railway.

1st Reading

April 6th, 1939

2nd Reading

April 24th, 1939

3rd Reading

April 26th, 1939

MR. CONANT

No. 74

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Municipal Act.

MR. STRACHAN

No. 74

1939

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

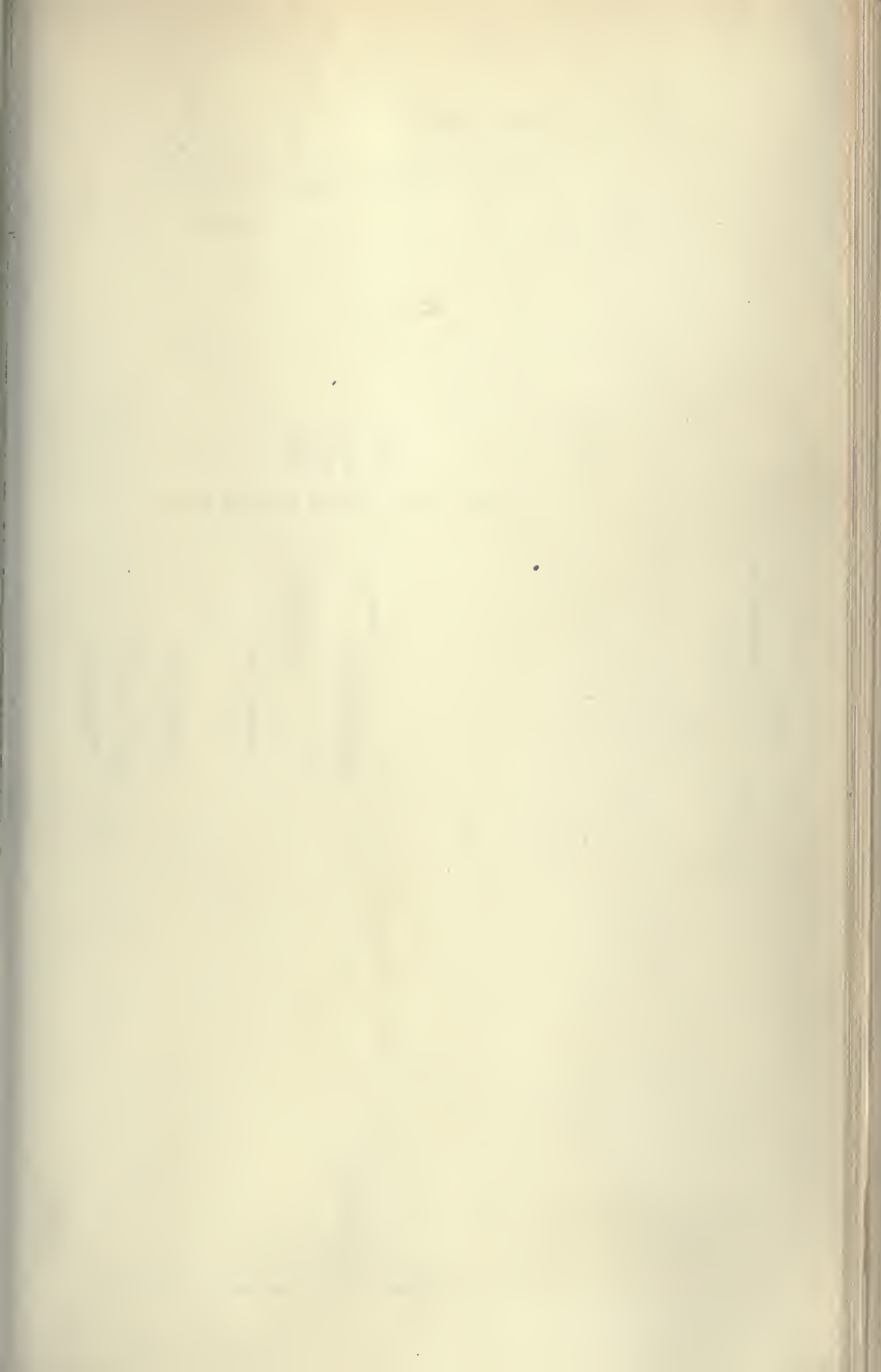
Rev. Stat.,
c. 266, s. 420,
amended.

1. Section 420 of *The Municipal Act* is amended by adding thereto the following heading and paragraph:

Storage of Trucks.

Parking or
storing of
motor
trucks, etc.

16a. For prohibiting or for regulating and controlling, within any defined area or areas or on land abutting on defined highways or parts of highways, the parking or storing on private lands of motor trucks and other commercial vehicles.



An Act to amend The Municipal Act.

1st Reading

April 6th, 1939

2nd Reading

3rd Reading

MR. STRACHAN

No. 75

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Guelph Railway Act, 1939.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 75

1939

BILL

The Guelph Railway Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

1. In this Act,—

"Bonds of
the Com-
mission."

- (a) "Bonds of the Commission" shall mean railway bonds heretofore issued by the Commission in respect of the railway in the principal amount of three hundred thousand dollars (\$300,000) dated 1st May, 1931, carrying interest at the rate of five per centum per annum and maturing on 1st November, 1970;

"Commis-
sion."

- (b) "Commission" shall mean The Hydro-Electric Power Commission of Ontario;

"Corpora-
tion."

- (c) "Corporation" shall mean the corporation of the city of Guelph;

"Railway."

- (d) "Railway" shall mean the Guelph Radial Railway including all the assets, undertakings and property of every kind and nature formerly belonging to The Guelph Radial Railway and acquired by the Commission pursuant to an agreement of 8th December, 1920, set out in the schedule to *The Guelph Railway Act, 1921*, and now being operated by the Commission on behalf of the corporation and every improvement, addition and extension thereof and thereto heretofore or hereafter made.

1921, c. 22.

Agreement
for transfer
of railway.

2. The Commission and the corporation may enter into an agreement, in form set out in Schedule A to this Act, to provide for the transfer of the railway from the Commission to the corporation upon a date to be therein named, and for the payment by the corporation to the Commission of the sum of three hundred and twenty-one thousand seven hundred and fifty dollars (\$321,750).

By-laws for
issue of
debentures.

3. The corporation may, without the assent of the electors

EXPLANATORY NOTES

GENERAL. This Bill provides for the transfer of the street railway in the City of Guelph from The Hydro-Electric Power Commission of Ontario to the Corporation of the City of Guelph.

SECTION 1. This section sets out definitions of terms used in the Act.

SECTION 2. This section provides that the Commission and the Corporation may enter into an agreement covering the transfer of the railway.

SECTION 3. This section provides for the issue of debentures for the money required to be paid to the Commission.

qualified to vote on money by-laws, pass by-laws for the issue of debentures to raise all or part of the amount required to be paid to the Commission as provided in the said agreement.

When railway vested in corporation.

4. Upon the execution and delivery by the Commission to the corporation of the agreement, mentioned in section 3, the railway shall be vested in the corporation free from all liens, charges and encumbrances whatsoever, and it shall not be necessary therein to particularly describe the property transferred by the said agreement or to conform to or comply with the provisions of any law or statute relating to the transfer of real or personal property.

Registration of Act in general registers.

5. A copy of this Act shall be deposited, copied and registered in the general register of every registry office in which is registered or recorded the title to any land or interest in land which by this Act is vested in the corporation, and every registrar of deeds shall, upon the request of the corporation, enter in the abstract index of each parcel or tract of land which or in which an interest is vested in the corporation as aforesaid, a note, entry or memorandum showing that the same was vested in the corporation on the date of transfer named in the agreement set out in schedule A to this Act, and referring to the registration number in the general register where the said Act has been registered as aforesaid.

Effect of transfer of railway.

6. Upon the transfer of the railway to the corporation under the said agreement as aforesaid, the Commission shall cease to have any further obligations to the corporation under the agreement between the Commission and the corporation dated 8th December, 1920, and all the powers, rights and privileges granted to the Commission under *The Guelph Railway Act, 1921*, shall be terminated.

1921, c. 22.

Disposal of bonds and debentures.

7. The Commission shall, upon receiving from the corporation the said sum of three hundred and twenty-one thousand seven hundred and fifty dollars (\$321,750) pay off and cancel the Commission's bonds amounting to three hundred thousand dollars (\$300,000), and return to the corporation the debentures of the corporation amounting to three hundred thousand dollars (\$300,000) issued and deposited with the Commission as collateral security for the said bonds and the corporation shall thereupon cancel the said debentures and repeal the by-law passed to provide for the issue of the same.

Powers of corporation after transfer of railway.

8. Upon, from and after the transfer of the railway to the corporation, the corporation may exercise all the powers, rights, authorities and privileges that the Commission now has or may exercise in respect of the railway, and the corporation shall also have the right for all time to operate

SECTION 4. This section provides for the vesting of the railway in the Corporation upon the completion of the agreement.

SECTION 5. This section provides for the registration of copies of the Act in the general registers of every registry office in which is registered the title to any land included in the assets of the railway being transferred.

SECTION 6. This section provides that upon the transfer of the railway to the Corporation the Commission shall cease to have any further obligations with respect to it.

SECTION 7. This section provides for the cancellation of the outstanding bonds of the Commission issued on account of capital cost of extensions and improvements to the railway, and for the return to the Corporation by the Commission of the Corporation's debentures which were deposited with the Commission as security for the said bonds of the Commission.

SECTION 8. This section provides that the City shall have all the necessary powers to operate the railway.

control, equip, extend, maintain and manage the railway, including busses and other vehicular means of transportation, for the conveyance of passengers to and from points inside or outside of the boundaries of the corporation, but the corporation shall not take, transport or convey goods upon the railway after the 30th day of June, 1939.

Corporation
may estab-
lish Trans-
portation
Commission.

9.—(1) The council of the corporation may by by-law establish a commission under the name of "The Guelph Transportation Commission" (hereinafter called the "Transportation Commission") with the powers, rights, authorities and privileges hereinafter set forth.

Number of
Commis-
sioners.

(2) The Transportation Commission shall consist of three members, of whom the mayor shall *ex-officio* be one, and the other members shall be appointed or elected in either of the following manners as may be determined by the by-law:—

(a) one of the others shall be appointed by the council at its first meeting in each year and shall hold office for two years, and until his successor is appointed, except that when the first appointment is made the council shall appoint two members one of whom shall hold office for one year and the other shall hold office for two years, and if such first appointment be made after the first meeting of council the said terms of one year and two years respectively shall commence from the first meeting of council in the next year; or

(b) the others shall be elected at the same time and place and in the same manner as the mayor and shall hold office for two years and until their successors are elected, one of the first elected members to hold office for two years and the other for one year, the one to hold office for two years to be chosen by lot at the first meeting of the Transportation Commission after the first election.

A body cor-
porate.

(3) The said Transportation Commission shall be a body corporate.

Filling
vacancies.

(4) Where a vacancy in the Transportation Commission occurs from any cause the council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed or elected.

Members
eligible for
re-election.

(5) Any member shall be eligible for reappointment or re-election on the expiration of his term of office.

Remunera-
tion of Com-
missioners.

(6) The members of the Transportation Commission may

SECTION 9. This section authorizes the establishment of a Transportation Commission to which may be entrusted the control and management of the railway and also other methods of transportation.

It further provides how many members shall constitute the Transportation Commission and the manner of appointing or electing them.

It also sets out some of the particular powers of the Transportation Commission together with provisions for an annual report to Council and an audit.

be paid such salary or other remuneration as may be fixed by by-law of the council and such salary or remuneration shall form part of the working expenditure of the railway.

Councillors
not eligible
as Com-
missioners.

(7) No member of the council except the mayor shall be eligible to be appointed or elected a member of the Transportation Commission.

Transfer of
control to
Transporta-
tion com-
mission.

(8) The council of the corporation may, after the railway has been transferred to the corporation by the Commission, by by-law entrust to the Transportation Commission the operation, control, maintenance and management of the railway.

Powers, etc.
to be exer-
cised by
Transporta-
tion Com-
mission.

(9) Upon such by-law being passed by the council, all the powers, rights, authorities and privileges of the corporation as to the operation, control, maintenance and management of the railway shall be exercised by the Transportation Commission and not by the council of the corporation.

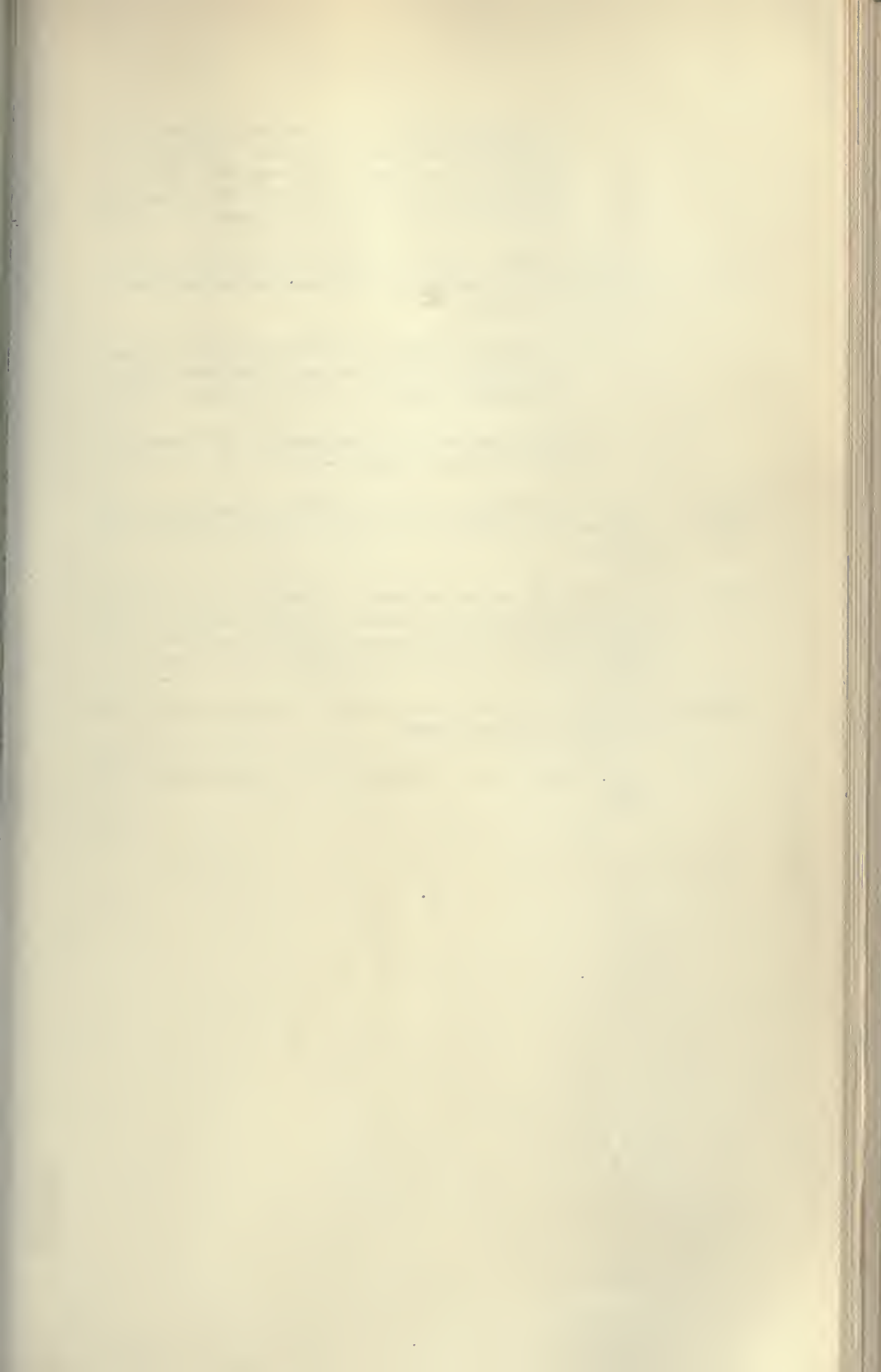
Bus Lines.

(10) The council of the corporation may at any time by by-law entrust the construction, control, maintenance, operation and management of lines of motor busses or of any other method of transportation within the powers of the corporation to the Transportation Commission and thereafter all the powers, rights, authorities and privileges of the corporation as to the construction, control, maintenance, operation and management of the transportation so put under the control of the Transportation Commission shall be exercised by the Transportation Commission and not by the council of the corporation.

Powers of
Transporta-
tion Com-
mission.

(11) The Transportation Commission shall in particular but not so as to restrict its general powers and duties have the following powers and duties, namely:—

- (a) to construct, control, maintain, operate and manage new lines of transportation in addition to or in extension of existing lines;
- (b) to fix such tolls and fares so that as far as possible the revenue of the Transportation Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper; and
- (c) to make requisitions upon the council for all sums of money necessary to carry out its powers and duties, but nothing herein contained shall divest the council



of its authority with reference to providing the money required for such works, and when such money is provided by the council, the treasurer of the municipality shall upon the certificate of the Transportation Commission pay out to it any money so provided.

Annual
Report.

(12) Immediately after the close of each calendar year the Transportation Commission shall prepare and submit a report to council containing,—

- (a) a complete, detailed and certified financial statement of its affairs, including revenue and expense account, balance sheet, and profit and loss statement; and
- (b) a general report of the operations of the Transportation Commission during the year.

Informa-
tion for
Council.

(13) The Transportation Commission shall also furnish such information as from time to time may be required by the council.

Audit.

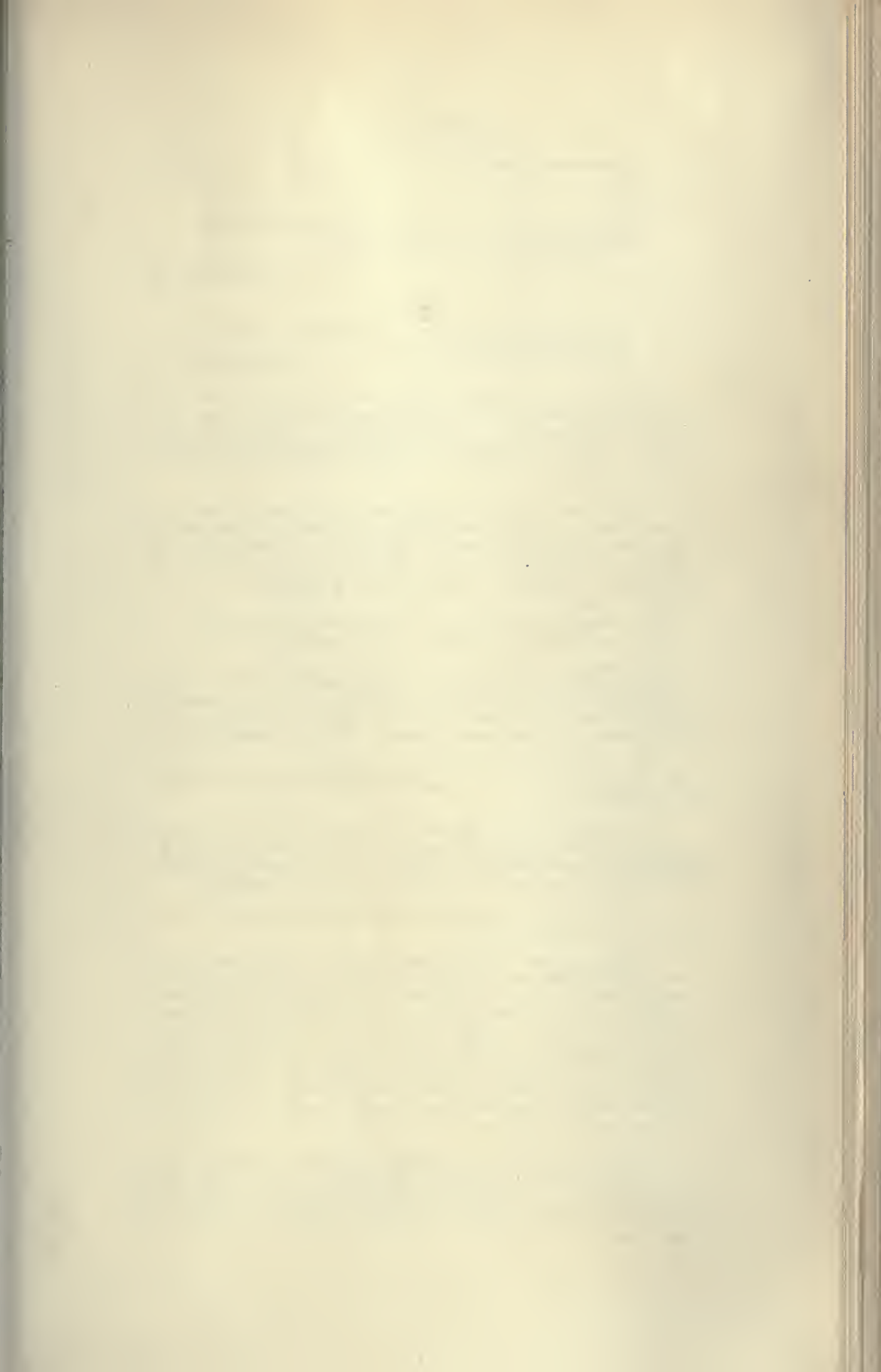
(14) All the books, documents, transactions and accounts of the Transportation Commission shall be audited by the Audit Department of the corporation and the cost of the audit shall be part of the working expenditure of the railway.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Guelph Railway Act, 1939.*



SCHEDULE A

THIS AGREEMENT made the _____ day of _____ 1939,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
(hereinafter called the "Commission")

OF THE FIRST PART

—and—

THE CORPORATION OF THE CITY OF GUELPH, (hereinafter
called the "Corporation")

OF THE SECOND PART.

WHEREAS by The Guelph Railway Act, 1921, the agreement dated 8th December, 1920, between The Municipal Corporation of the City of Guelph, of the first part, The Hydro-Electric Power Commission of Ontario, of the second part and The Guelph Radial Railway Company, of the third part, was declared to be legal, valid and binding upon the said parties thereto;

AND WHEREAS by the said agreement the corporation sold to the Commission all the assets, undertakings and property of every kind and nature belonging to The Guelph Radial Railway Company for a consideration of \$150,000.00 payable, including interest at $4\frac{1}{2}$ per cent. per annum, in instalments of \$11,700.00 in each year for twenty years in half-yearly payments on 1st May and 1st November;

AND WHEREAS the said assets, undertakings and property were vested in the Commission on behalf of the corporation;

AND WHEREAS pursuant to the said Act and agreement the Commission issued bonds to the amount of \$300,000.00 on account of capital cost of extensions, improvements and additional works or equipment for the said railway, which bonds are a charge upon the railway and all the assets, rights, privileges, works, property and effects belonging thereto;

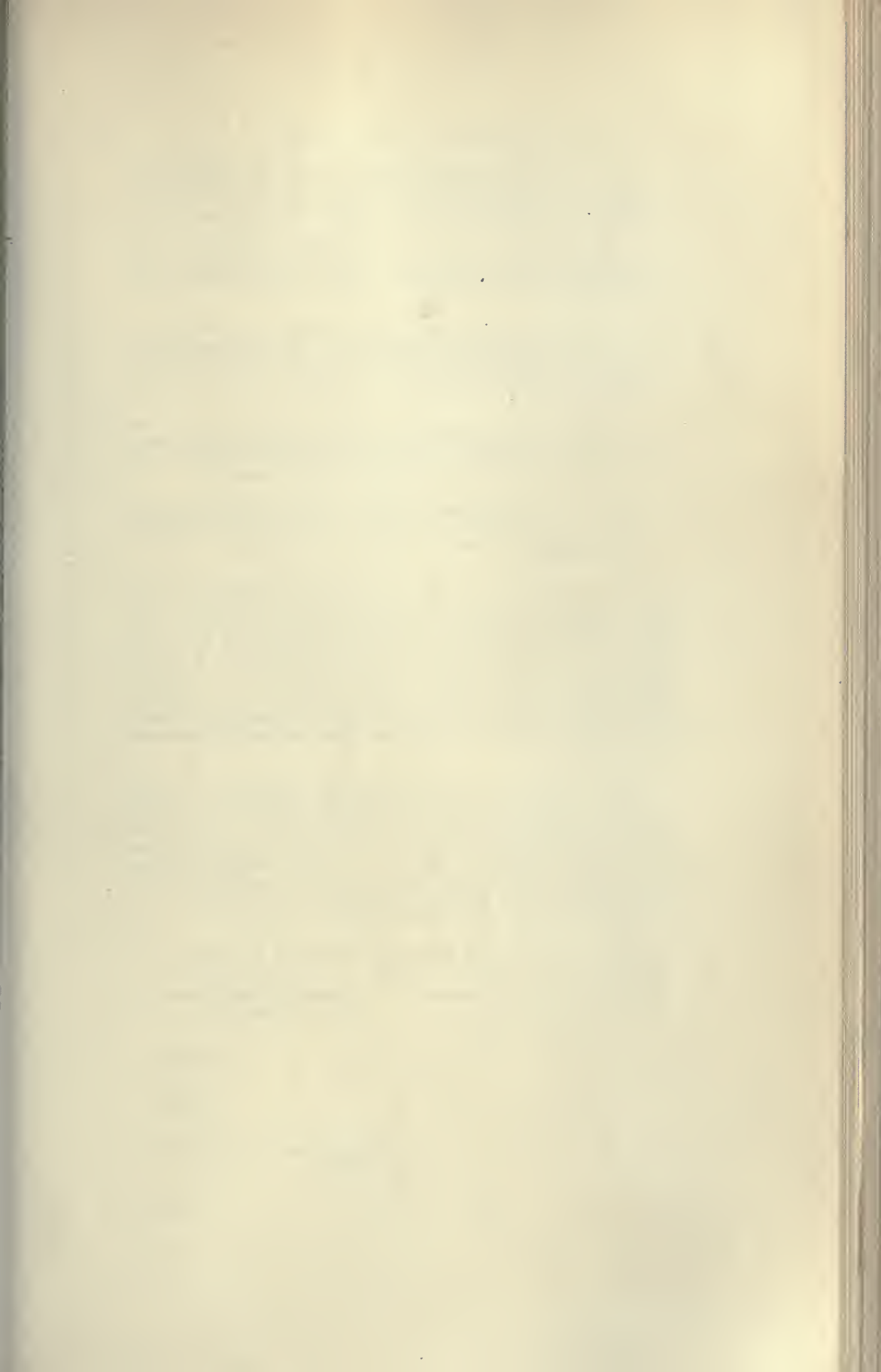
AND WHEREAS the said bonds were purchased by the Commission with its reserve funds at a total price of \$321,750.00 and are now held by the Commission;

AND WHEREAS the corporation has issued and deposited with the Commission debentures of the corporation in the principal amount of \$300,000.00 which debentures are held by the Commission as collateral security for the payment of the said bonds of the Commission;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:—

1. Upon payment by the corporation to the Commission of the said sum of \$321,750.00 the Commission will transfer to the corporation the operation and control of, and all right, title and interest in the property vested in the Commission by The Guelph Railway Act, 1921, and all extensions and improvements thereto and all additional works, property and effects acquired, held and used in connection therewith, including, without limiting the generality of the foregoing, all cash and reserve funds held in connection with the said property (which property is herein referred to as the "railway") at midnight on the 30th day of April, 1939, hereinafter referred to as the "time of transfer"; and all accounts shall be adjusted as of the said time.

2. Upon such transfer being made, the agreement dated 8th December, 1920, confirmed by The Guelph Railway Act, 1921, shall be terminated and the Commission shall be free from liability with respect to the remaining instalments payable on the purchase price named therein and neither of the parties hereto shall have any rights or obligations under the said agreement.



3. The Commission will at the time of transfer:

(a) Procure the cancellation of the Commission's bonds amounting to the principal sum of \$300,000.00 issued in respect to extensions, improvements, additional works or equipment for the railway and the discharge of the railway from liability in respect of said bonds;

(b) Return to the corporation all debentures issued by the corporation and deposited with the Commission in the principal sum of \$300,000.00 as collateral security for the aforesaid bonds of the Commission.

(c) Hand over to the corporation all books, records, agreements, statements of account, inventories, plans, drawings, specifications and other documents in the possession or control of the Commission, relating exclusively to the business of the railway or the Commission's operation of same;

(d) Allow the proper representatives of the corporation from time to time to have access to all other such documents in the possession of the Commission which relate partly to the business of the railway and partly to other business of the Commission;

(e) So far as reasonably possible, furnish to the corporation upon the request of and at the expense of the corporation all information in possession and control of the Commission respecting the railway or its operation.

4. From and after the time of transfer the corporation shall be entitled to and will receive and collect all accounts receivable and will pay and discharge all debts, claims and liabilities of the railway whether arising before or after the time of transfer and will assume and perform all agreements and obligations of the Commission in respect of the railway, save and except any liability for claims under The Workmen's Compensation Act arising before the time of transfer, and the corporation will indemnify and save harmless the Commission from all such and from all actions, claims, loss, costs, charges, damages and expenses in connection therewith, except in respect of claims under The Workmen's Compensation Act as aforesaid.

5. The Commission covenants with the corporation that it will execute such further assurances of the said properties as may be requisite; and the Commission covenants with the corporation that it has done no act to encumber the said properties save as aforesaid in respect of the said bonds to the amount of \$300,000.00; and the Commission releases to the corporation all its claims upon the railway. The covenants and releases in this paragraph shall bear the same meaning as if contained in a deed of land expressed to be made in pursuance of The Short Forms of Conveyances Act, or a meaning analogous thereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

THE HYDRO-ELECTRIC POWER COM-
MISSION OF ONTARIO.

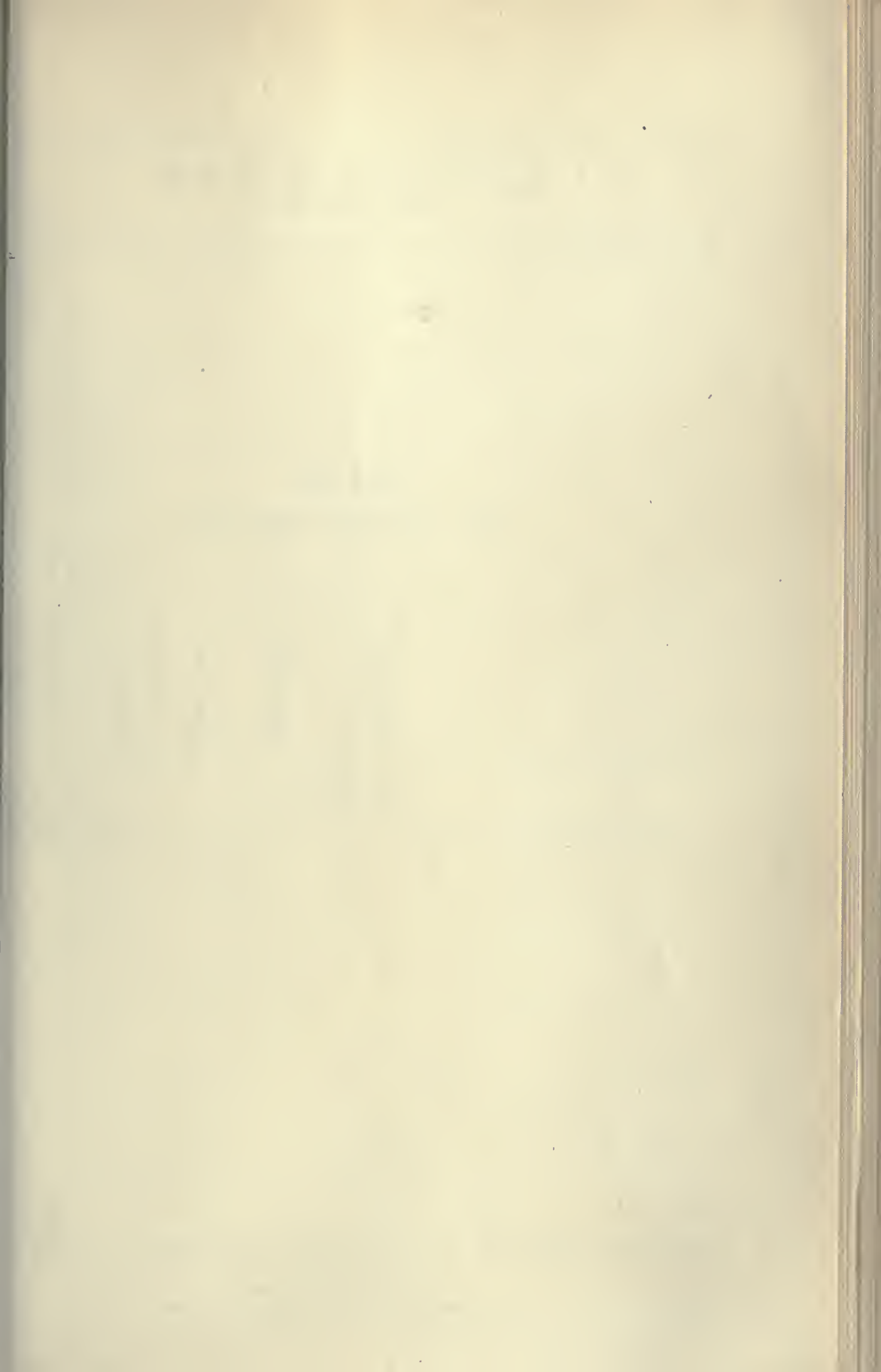
.....
Chairman.

.....
Secretary.

THE CORPORATION OF THE CITY OF
GUELPH.

.....
Mayor.

.....
Clerk.



BILL

The Guelph Railway Act, 1939.

1st Reading

April 12th, 1939

2nd Reading

3rd Reading

Mr. HOUCK

No. 75

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Guelph Railway Act, 1939.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 75

1939

BILL

The Guelph Railway Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

1. In this Act,—

"Bonds of
the Com-
mission."

- (a) "Bonds of the Commission" shall mean railway bonds heretofore issued by the Commission in respect of the railway in the principal amount of three hundred thousand dollars (\$300,000) dated 1st May, 1931, carrying interest at the rate of five per centum per annum and maturing on 1st November, 1970;

"Commis-
sion."

- (b) "Commission" shall mean The Hydro-Electric Power Commission of Ontario;

"Corpora-
tion."

- (c) "Corporation" shall mean the corporation of the city of Guelph;

"Railway."

- (d) "Railway" shall mean the Guelph Radial Railway including all the assets, undertakings and property of every kind and nature formerly belonging to The Guelph Radial Railway and acquired by the Commission pursuant to an agreement of 8th December, 1920, set out in the schedule to *The Guelph Railway Act, 1921*, and now being operated by the Commission on behalf of the corporation and every improvement, addition and extension thereof and thereto heretofore or hereafter made.

1921, c. 22

Agreement
for transfer
of railway.

2. The Commission and the corporation may enter into an agreement, in form set out in Schedule A to this Act, to provide for the transfer of the railway from the Commission to the corporation upon a date to be therein named, and for the payment by the corporation to the Commission of the sum of three hundred and twenty-one thousand seven hundred and fifty dollars (\$321,750).

By-laws for
issue of
debentures.

3. The corporation may, without the assent of the electors

qualified to vote on money by-laws, pass by-laws for the issue of debentures to raise all or part of the amount required to be paid to the Commission as provided in the said agreement.

4. Upon the execution and delivery by the Commission to the corporation of the agreement, mentioned in section 3, the railway shall be vested in the corporation free from all liens, charges and encumbrances whatsoever, and it shall not be necessary therein to particularly describe the property transferred by the said agreement or to conform to or comply with the provisions of any law or statute relating to the transfer of real or personal property.

When railway vested in corporation.

5. A copy of this Act shall be deposited, copied and registered in the general register of every registry office in which is registered or recorded the title to any land or interest in land which by this Act is vested in the corporation, and every registrar of deeds shall, upon the request of the corporation, enter in the abstract index of each parcel or tract of land which or in which an interest is vested in the corporation as aforesaid, a note, entry or memorandum showing that the same was vested in the corporation on the date of transfer named in the agreement set out in schedule A to this Act, and referring to the registration number in the general register where the said Act has been registered as aforesaid.

Registration of Act in general registers.

6. Upon the transfer of the railway to the corporation under the said agreement as aforesaid, the Commission shall cease to have any further obligations to the corporation under the agreement between the Commission and the corporation dated 8th December, 1920, and all the powers, rights and privileges granted to the Commission under *The Guelph Railway Act, 1921*, shall be terminated.

Effect of transfer of railway.

1921, c. 22.

7. The Commission shall, upon receiving from the corporation the said sum of three hundred and twenty-one thousand seven hundred and fifty dollars (\$321,750) pay off and cancel the Commission's bonds amounting to three hundred thousand dollars (\$300,000), and return to the corporation the debentures of the corporation amounting to three hundred thousand dollars (\$300,000) issued and deposited with the Commission as collateral security for the said bonds and the corporation shall thereupon cancel the said debentures and repeal the by-law passed to provide for the issue of the same.

Disposal of bonds and debentures.

8. Upon, from and after the transfer of the railway to the corporation, the corporation may exercise all the powers, rights, authorities and privileges that the Commission now has or may exercise in respect of the railway, and the corporation shall also have the right for all time to operate

Powers of corporation after transfer of railway.

control, equip, extend, maintain and manage the railway, including busses and other vehicular means of transportation, for the conveyance of passengers to and from points inside or outside of the boundaries of the corporation, but the corporation shall not take, transport or convey goods upon the railway after the 30th day of June, 1939.

Corporation
may estab-
lish Trans-
portation
Commission.

9.—(1) The council of the corporation may by by-law establish a commission under the name of "The Guelph Transportation Commission" (hereinafter called the "Transportation Commission") with the powers, rights, authorities and privileges hereinafter set forth.

Number of
Commis-
sioners.

(2) The Transportation Commission shall consist of three members, of whom the mayor shall *ex-officio* be one, and the other members shall be appointed or elected in either of the following manners as may be determined by the by-law:—

(a) one of the others shall be appointed by the council at its first meeting in each year and shall hold office for two years, and until his successor is appointed, except that when the first appointment is made the council shall appoint two members one of whom shall hold office for one year and the other shall hold office for two years, and if such first appointment be made after the first meeting of council the said terms of one year and two years respectively shall commence from the first meeting of council in the next year; or

(b) the others shall be elected at the same time and place and in the same manner as the mayor and shall hold office for two years and until their successors are elected, one of the first elected members to hold office for two years and the other for one year, the one to hold office for two years to be chosen by lot at the first meeting of the Transportation Commission after the first election.

A body cor-
porate.

(3) The said Transportation Commission shall be a body corporate.

Filling
vacancies.

(4) Where a vacancy in the Transportation Commission occurs from any cause the council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed or elected.

Members
eligible for
re-election.

(5) Any member shall be eligible for reappointment or re-election on the expiration of his term of office.

Remunera-
tion of Com-
missioners.

(6) The members of the Transportation Commission may

be paid such salary or other remuneration as may be fixed by by-law of the council and such salary or remuneration shall form part of the working expenditure of the railway.

(7) No member of the council except the mayor shall be eligible to be appointed or elected a member of the Transportation Commission. Councillors not eligible as Commissioners

(8) The council of the corporation may, after the railway has been transferred to the corporation by the Commission, by by-law entrust to the Transportation Commission the operation, control, maintenance and management of the railway. Transfer of control to Transportation Commission.

(9) Upon such by-law being passed by the council, all the powers, rights, authorities and privileges of the corporation as to the operation, control, maintenance and management of the railway shall be exercised by the Transportation Commission and not by the council of the corporation. Powers, etc. to be exercised by Transportation Commission.

(10) The council of the corporation may at any time by by-law entrust the construction, control, maintenance, operation and management of lines of motor busses or of any other method of transportation within the powers of the corporation to the Transportation Commission and thereafter all the powers, rights, authorities and privileges of the corporation as to the construction, control, maintenance, operation and management of the transportation so put under the control of the Transportation Commission shall be exercised by the Transportation Commission and not by the council of the corporation. Bus lines.

(11) The Transportation Commission shall, in particular but not so as to restrict its general powers and duties, have the following powers and duties, namely:— Powers of Transportation Commission.

- (a) to construct, control, maintain, operate and manage new lines of transportation in addition to or in extension of existing lines;
- (b) to fix such tolls and fares so that as far as possible the revenue of the Transportation Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper; and
- (c) to make requisitions upon the council for all sums of money necessary to carry out its powers and duties, but nothing herein contained shall divest the council

of its authority with reference to providing the money required for such works, and when such money is provided by the council, the treasurer of the municipality shall upon the certificate of the Transportation Commission pay out to it any money so provided.

Annual
Report.

(12) Immediately after the close of each calendar year the Transportation Commission shall prepare and submit a report to council containing,—

- (a) a complete, detailed and certified financial statement of its affairs, including revenue and expense account, balance sheet, and profit and loss statement; and
- (b) a general report of the operations of the Transportation Commission during the year.

Informa-
tion for
council.

(13) The Transportation Commission shall also furnish such information as from time to time may be required by the council.

Audit.

(14) All the books, documents, transactions and accounts of the Transportation Commission shall be audited by the Audit Department of the corporation and the cost of the audit shall be part of the working expenditure of the railway.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Guelph Railway Act, 1939.*

SCHEDULE A

THIS AGREEMENT made the _____ day of _____ 1939.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
(hereinafter called the "Commission")

OF THE FIRST PART

—and—

THE CORPORATION OF THE CITY OF GUELPH, (hereinafter
called the "Corporation")

OF THE SECOND PART.

WHEREAS by The Guelph Railway Act, 1921, the agreement dated 8th December, 1920, between The Municipal Corporation of the City of Guelph, of the first part, The Hydro-Electric Power Commission of Ontario, of the second part and The Guelph Radial Railway Company, of the third part, was declared to be legal, valid and binding upon the said parties thereto;

AND WHEREAS by the said agreement the corporation sold to the Commission all the assets, undertakings and property of every kind and nature belonging to The Guelph Radial Railway Company for a consideration of \$150,000.00 payable, including interest at 4½ per cent. per annum, in instalments of \$11,700.00 in each year for twenty years in half-yearly payments on 1st May and 1st November;

AND WHEREAS the said assets, undertakings and property were vested in the Commission on behalf of the corporation;

AND WHEREAS pursuant to the said Act and agreement the Commission issued bonds to the amount of \$300,000.00 on account of capital cost of extensions, improvements and additional works or equipment for the said railway, which bonds are a charge upon the railway and all the assets, rights, privileges, works, property and effects belonging thereto;

AND WHEREAS the said bonds were purchased by the Commission with its reserve funds at a total price of \$321,750.00 and are now held by the Commission;

AND WHEREAS the corporation has issued and deposited with the Commission debentures of the corporation in the principal amount of \$300,000.00 which debentures are held by the Commission as collateral security for the payment of the said bonds of the Commission;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:—

1. Upon payment by the corporation to the Commission of the said sum of \$321,750.00 the Commission will transfer to the corporation the operation and control of, and all right, title and interest in the property vested in the Commission by The Guelph Railway Act, 1921, and all extensions and improvements thereto and all additional works, property and effects acquired, held and used in connection therewith, including, without limiting the generality of the foregoing, all cash and reserve funds held in connection with the said property (which property is herein referred to as the "railway") at midnight on the 30th day of April, 1939, hereinafter referred to as the "time of transfer"; and all accounts shall be adjusted as of the said time.

2. Upon such transfer being made, the agreement dated 8th December, 1920, confirmed by The Guelph Railway Act, 1921, shall be terminated and the Commission shall be free from liability with respect to the remaining instalments payable on the purchase price named therein and neither of the parties hereto shall have any rights or obligations under the said agreement.

3. The Commission will at the time of transfer:

(a) Procure the cancellation of the Commission's bonds amounting to the principal sum of \$300,000.00 issued in respect to extensions, improvements, additional works or equipment for the railway and the discharge of the railway from liability in respect of said bonds;

(b) Return to the corporation all debentures issued by the corporation and deposited with the Commission in the principal sum of \$300,000.00 as collateral security for the aforesaid bonds of the Commission.

(c) Hand over to the corporation all books, records, agreements, statements of account, inventories, plans, drawings, specifications and other documents in the possession or control of the Commission, relating exclusively to the business of the railway or the Commission's operation of same;

(d) Allow the proper representatives of the corporation from time to time to have access to all other such documents in the possession of the Commission which relate partly to the business of the railway and partly to other business of the Commission;

(e) So far as reasonably possible, furnish to the corporation upon the request of and at the expense of the corporation all information in possession and control of the Commission respecting the railway or its operation.

4. From and after the time of transfer the corporation shall be entitled to and will receive and collect all accounts receivable and will pay and discharge all debts, claims and liabilities of the railway whether arising before or after the time of transfer and will assume and perform all agreements and obligations of the Commission in respect of the railway, save and except any liability for claims under The Workmen's Compensation Act arising before the time of transfer, and the corporation will indemnify and save harmless the Commission from all such and from all actions, claims, loss, costs, charges, damages and expenses in connection therewith, except in respect of claims under The Workmen's Compensation Act as aforesaid.

5. The Commission covenants with the corporation that it will execute such further assurances of the said properties as may be requisite; and the Commission covenants with the corporation that it has done no act to encumber the said properties save as aforesaid in respect of the said bonds to the amount of \$300,000.00; and the Commission releases to the corporation all its claims upon the railway. The covenants and releases in this paragraph shall bear the same meaning as if contained in a deed of land expressed to be made in pursuance of The Short Forms of Conveyances Act, or a meaning analagous thereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

in the presence of

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

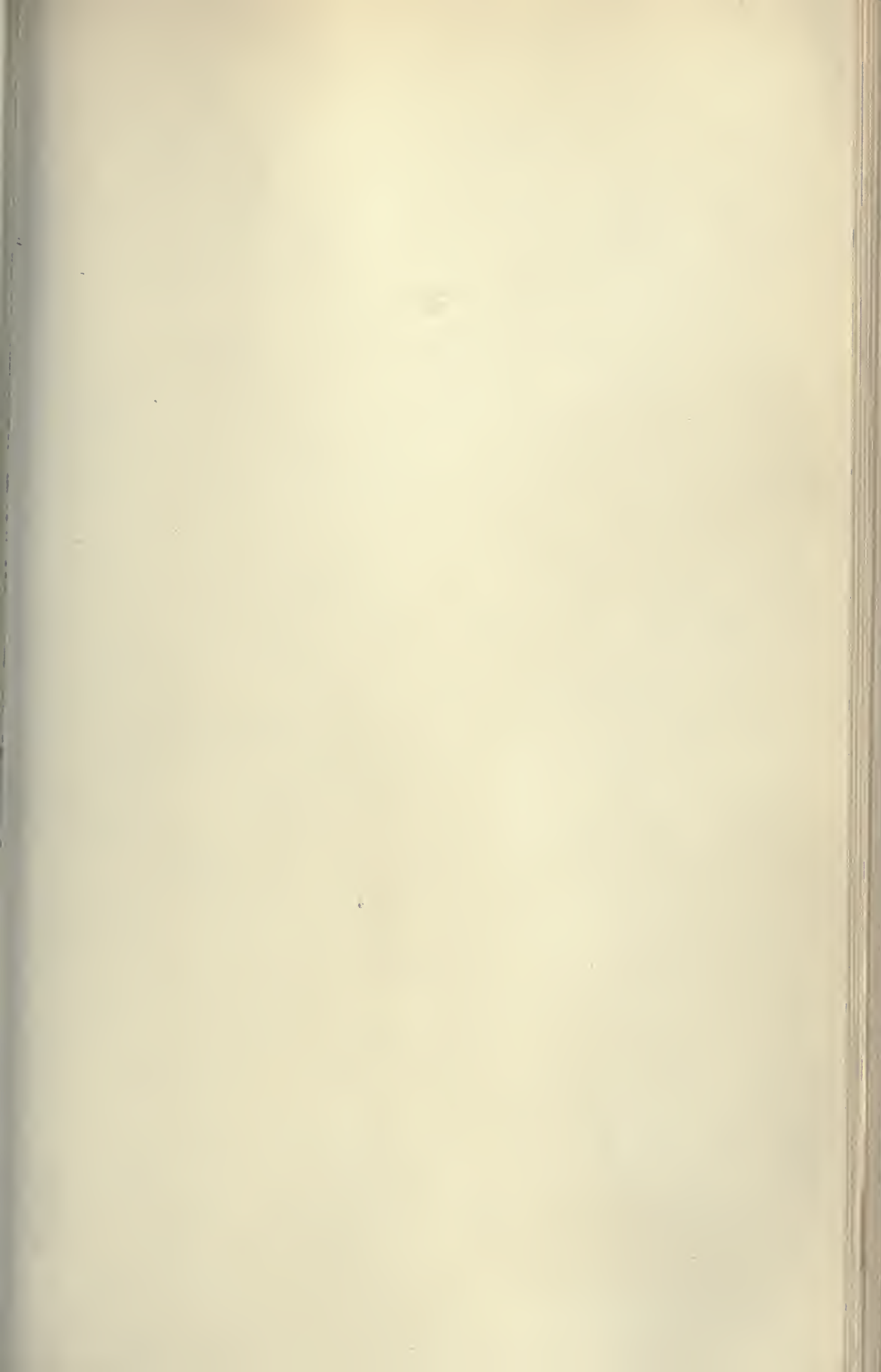
.....
Chairman.

.....
Secretary.

THE CORPORATION OF THE CITY OF GUELPH.

.....
Mayor.

.....
Clerk.





BILL

The Guelph Railway Act, 1939.

1st Reading

April 12th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 25th, 1939

Mr. Houck

No. 76

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Marriage Act.

MR. CROLL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 207,
amended.

1. *The Marriage Act* is amended by adding thereto the following section:

Medical
certificate.

22a.—(1) No person authorized to issue marriage licenses, or certificates in lieu of marriage licenses, shall issue any such license or certificate until the persons intending to intermarry and applying for a license or certificate have delivered to him certificates of a duly qualified medical practitioner (Form 6) that neither of such persons is suffering from any venereal disease within the meaning of *The Venereal Diseases Prevention Act*, bearing a date not more than fifteen days prior to such application and signed by a duly qualified medical practitioner.

Rev. Stat.,
c. 301.

Where banns
published.

(2) No minister, clergyman or other person shall solemnize any marriage where the intention of the persons to intermarry has been published as provided by subsection 2 of section 4, unless such persons have delivered to him certificates of a duly qualified medical practitioner (Form 6) that neither of such persons is suffering from venereal disease within the meaning of *The Venereal Diseases Prevention Act*, bearing a date not more than fifteen days prior to the date of such marriage and signed by a duly qualified medical practitioner.

Examination
by M.O.H.

(3) Where any person applies to the medical officer of health of the municipality in which he is resident to be examined for the purposes of this section, the medical officer of health shall, without charge, examine such person and if he is of opinion that such person is not suffering from a venereal disease within the meaning of *The Venereal Diseases Prevention Act*,

EXPLANATORY NOTES

The purpose of the Bill is to provide that no person suffering from venereal disease may be married.

SECTION 1. Subsection 1 of the proposed section 22a prohibits the issuing of a marriage license until the persons intending to intermarry have produced medical certificates to prove that neither is suffering from venereal disease.

Subsection 2 of the proposed section prohibits the solemnization of a marriage where banns have been published in lieu of the issue of a license or certificate, until medical certificates have been produced stating that neither of the persons intending to intermarry are suffering from venereal disease.

Subsection 3 provides that the examination and certificates required by this section shall be furnished without charge by a medical officer of health to residents of the municipality for which he is medical officer of health.

he shall furnish him with the certificate required by this section.

Laboratory test.

- (4) Where in the opinion of any duly qualified medical practitioner a laboratory test is required in order to determine whether any such person is suffering from venereal disease, such test shall be made by a laboratory of or approved by the Department of Health and where any such test is made by a laboratory of the Department of Health no fee shall be charged for such test.

Duty of medical practitioner.

- (5) No duly qualified medical practitioner shall issue any certificate required by subsection 1 or subsection 2 until he has satisfied himself as to the identity of the person applying for such certificate nor until he has made a thorough examination of such person in order to determine whether or not such person is suffering from venereal disease.

Penalty.

- (6) Any person who violates any of the provisions of this section shall on summary conviction be liable to a penalty of not less than \$20 and not more than \$200.

Application of section.

- (7) This section shall not apply to persons ordinarily resident in any part of Ontario without municipal organization.

Rev. Stat.,
c. 207, s. 25,
amended.

2. Section 25 of *The Marriage Act* is amended by inserting after the figure "22" in the seventh line the words and figures "the certificates required by section 22a," so that the said section shall now read as follows:

Particulars
to be sent to
Registrar-
General.

25. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate, fill up on a form such of the particulars contained in Form 4 as he is able to give, and shall forward the same, together with the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, the certificates required by section 22a, and any further evidence obtained under the provisions of section 24, forthwith to the Registrar-General.

Rev. Stat.,
c. 207, s. 34,
subs. 1,
amended.

3.—(1) Subsection 1 of section 34 of *The Marriage Act* is amended by inserting after the word and figure "Form 4" in the fourth line the words and figures "or in any certificate required by section 22a," so that the said subsection shall now read as follows:

Subsection 4 provides for a laboratory test where necessary.

Subsection 5 requires a medical practitioner to satisfy himself as to the identity of any person applying for a medical certificate and to conduct a thorough examination.

Subsection 6 provides penalties for violations of the proposed section 22a.

Subsection 7 provides that the proposed section 22a shall not apply to persons resident in any unorganized portion of Ontario.

SECTION 2. This amendment is complementary to the amendment effected by section 2 of the Bill.

SECTION 3. —(1) The amendment extends the provisions of the section providing penalties for false statements of fact in affidavits to include false statements of fact in medical certificates.

Penalty for
making false
statement.

- (1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or in any certificate required by section 22a, in addition to any other penalty or punishment which he may be liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207, s. 34,
amended.

- (2) The said section 34 is further amended by adding thereto the following subsection:

Persona-
tion, —
penalty.

- (1a) Any person who impersonates any other person for the purposes of obtaining a certificate required by section 22a shall on summary conviction be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207,
amended.

4. *The Marriage Act* is amended by adding thereto the following form:

FORM 6

(Section 22a)

CERTIFICATE OF MEDICAL PRACTITIONER

I, of the of
in the County (or district) of being a duly qualified
medical practitioner, hereby certify that I did on the undermentioned
date, examine (or complete an examination of) (Name)
of (Residence) and that as a result of such examination
I am of opinion that on the date of this certificate the said
is not suffering from any venereal disease within the meaning of
The Venereal Diseases Prevention Act.

Dated at
this day of
19

(Signature of Medical Practitioner)

Short title.

5. This Act may be cited as *The Marriage Amendment Act, 1939*.

(2) A penalty is provided for any person who impersonates another in order to obtain a medical certificate required under the new section 22*a*.

SECTION 4. Prescribes the form of the medical certificate.

BILL

An Act to amend The Marriage Act.

1st Reading

April 12th, 1939

2nd Reading

3rd Reading

MR. CROLL

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to Recognize in Law the Right of Employees to Organize for
the Furtherance of their Lawful Interests.

MR. CROLL

BILL

An Act to Recognize in Law the Right of Employees to Organize for the Furtherance of their Lawful Interests.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Interpretation,
"Trade union."

1. In this Act, "trade union" shall mean any association or organization of employees, whether employed by one employer or by more than one employer, which is formed for the purpose of advancing in a lawful manner the interests of such employees in respect of the terms and conditions of their employment, and which is free from undue influence, domination, restraint or interference by employers or associations of employers.

Trade union shall be lawful.

2. It shall be lawful for employees to form themselves into a trade union.

Collective bargaining shall be lawful.

3. It shall be lawful for employees to bargain collectively with their employer or employers, and to conduct such bargaining through the employees' trade union, and through the duly chosen officers of such union.

Employers may not seek to prevent employees from joining a trade union.

4. It shall be unlawful for any employer hereafter to insert any clause in any written contract of employment, or to impose any condition in any verbal contract of employment, or to continue any such clause or condition heretofore in effect, where such clause or condition restrains any employee from exercising his rights under this Act, and any such clause or condition shall *ipso facto* be null and void and of no effect.

Penalties.

5.—(1) Any employer who seeks by intimidation, threat of loss of position or employment, or by actual loss of position or employment or by threatening or imposing any pecuniary penalty, with the object of preventing an employee from belonging to a trade union, shall be liable in the case of an individual to a fine not exceeding \$100, and in default of payment to imprisonment for a term not exceeding thirty days, and in the case of a corporation to a fine not exceeding \$1,000;

EXPLANATORY NOTES

SECTION 1 defines "trade union" for the purposes of the Act.

SECTION 2 declares it legal for employees to form themselves into a trade union.

SECTION 3 declares that it is lawful for employees to bargain collectively with employers and to so bargain through trade unions.

SECTION 4 prohibits employers from inserting provisions in contracts which restrains an employee from exercising his rights under the Act.

SECTION 5 provides penalties for persons who do acts to prevent employees from belonging to a trade union.

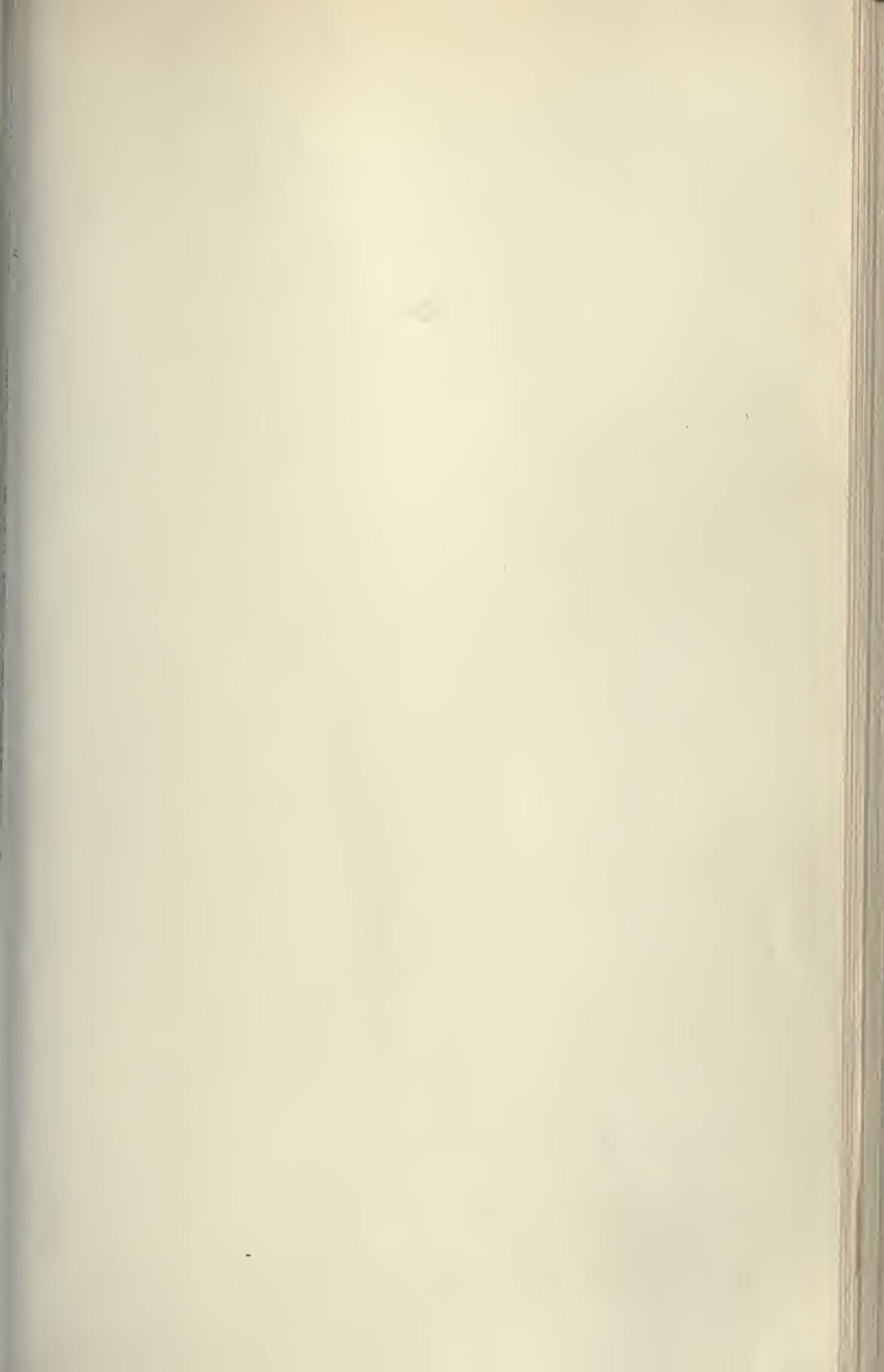
provided that in the case of a corporation, where any fine is imposed but not paid, the responsible officers of such corporation shall be personally liable for the payment of such fine and liable to imprisonment for a term not exceeding thirty days.

Recovery of
penalties.
Rev. Stat.,
c. 136.

(2) The penalties imposed by this section may be recovered in the manner provided by *The Summary Convictions Act*.

Short title.

6. This Act may be cited as *The Freedom of Trade Union Association Act, 1939*.





An Act to Recognize in Law the Right of
Employees to Organize for the Furtherance
of their Lawful Interests.

1st Reading

April 12th, 1939

2nd Reading

3rd Reading

MR. CROLL

No. 78

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Village of Lion's Head Act, 1939.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1939

BILL

The Village of Lion's Head Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lion's Head
deemed
township for
rural power.
Rev. Stat.,
c. 62.

1. For the purposes of *The Power Commission Act* the municipality of the Village of Lion's Head shall be deemed to be a township and Part IV of *The Power Commission Act* shall apply accordingly.

Short title.

2. This Act may be cited as *The Village of Lion's Head Act, 1939*.

EXPLANATORY NOTES

SECTION 1. Enables the Village of Lion's Head to be part of a rural power district.

The Village of Lion's Head Act, 1939.

1st Reading

April 12th, 1939

2nd Reading

3rd Reading

MR. HOUCK

No. 79

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Rural Hydro-Electric Distribution Act.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Rural Hydro-Electric Distribution Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 64, s. 1,
amended.

1. Section 1 of *The Rural Hydro-Electric Distribution Act* is amended by striking out the words "municipality or commission" in the fourth and fifth lines and inserting in lieu thereof the words "commission or municipal corporation," and by striking out all the words after the word "cost" in the seventh line and inserting in lieu thereof the words "of acquiring and constructing in the rural power district, lands and works, including plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment, for the supply of power to any customer or premises up to the point of delivery by such commission or corporation," so that the said section shall now read as follows:

Grants in
aid of dis-
tribution
works in
rural power
districts.

1. Upon the recommendation of The Hydro-Electric Power Commission of Ontario and the order of the Lieutenant-Governor in Council, the Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any commission or municipal corporation distributing power in a rural power district under the provisions of *The Power Commission Act*, a sum not exceeding fifty per centum of the capital cost of acquiring and constructing in the rural power district, lands and works, including plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment, for the supply of power to any customer or premises up to the point of delivery by such commission or corporation.

Rev. Stat.,
c. 62.

2. Section 3 of *The Rural Hydro-Electric Distribution Act* is amended by striking out the words "municipal corporations or commissions" in the first line and inserting in lieu thereof the words "any commission or municipal corporation," so that the said section shall now read as follows:

Rev. Stat.,
c. 64, s. 3,
amended.

EXPLANATORY NOTES

SECTION 1. "Municipal corporation" has been substituted for "municipality" to bring it in line with the rest of the Act. Commission has been placed first so that it would not be limited to municipal commission.

Commission's works in rural power districts cannot always be located on highways and it is necessary to obtain rights over private land. It is simpler to refer to works rather than specify each item required for modern rural distribution.

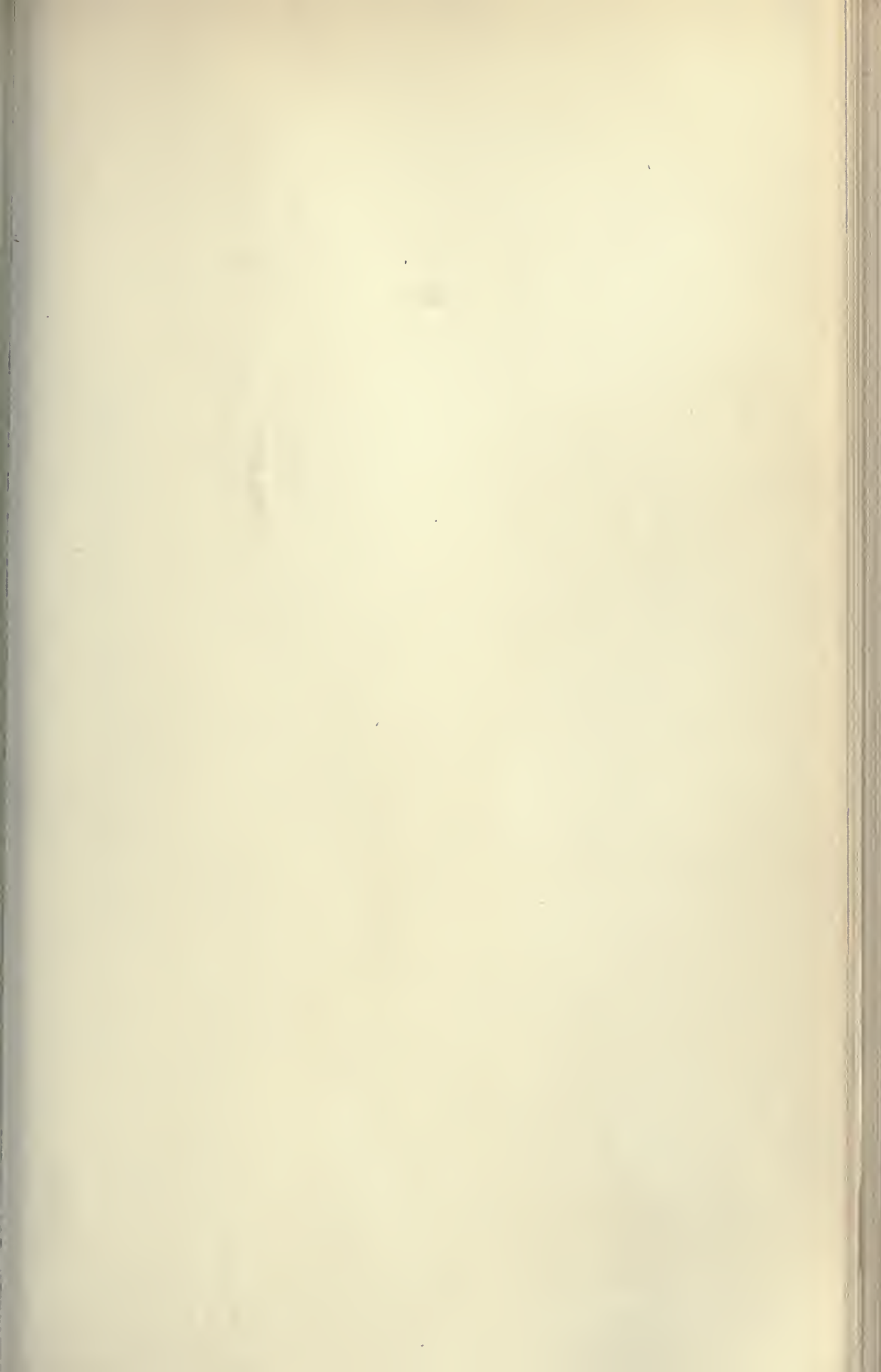
SECTION 2. The amendment brings this section into conformity with the rest of the Act.

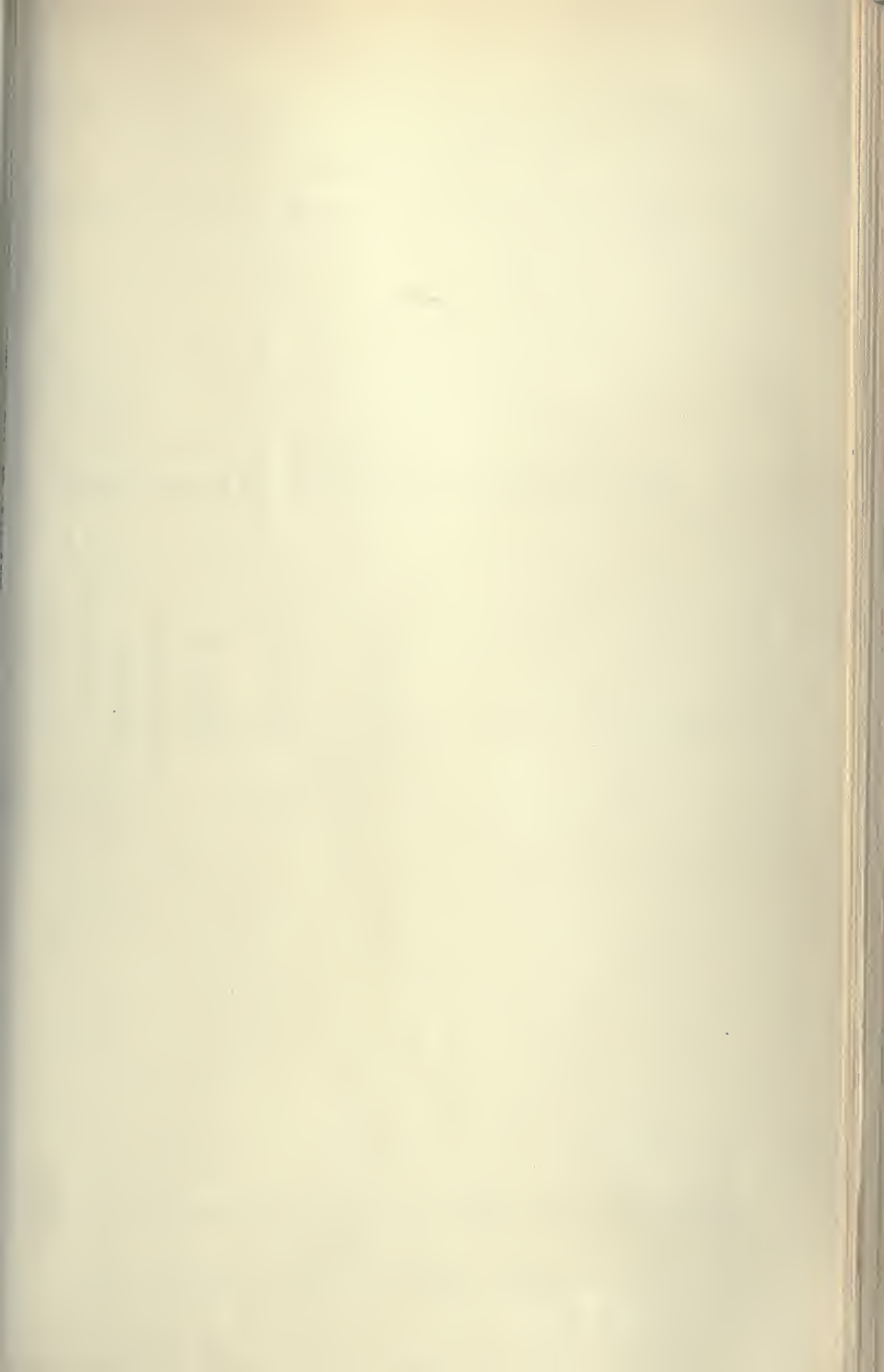
Grants
chargeable
to capital
account.

3. All sums paid to any commission or municipal corporation under the authority of section 1 or section 2 shall be chargeable in the books of the Treasurer of Ontario as expenditure upon capital account.

Short title.

3. This Act may be cited as *The Rural Hydro-Electric Distribution Amendment Act, 1939*.





An Act to amend The Rural Hydro-Electric
Distribution Act.

1st Reading

April 12th, 1939

2nd Reading

3rd Reading

MR. HOUCK

No. 79

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Rural Hydro-Electric Distribution Act.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 79

1939

BILL

An Act to amend The Rural Hydro-Electric Distribution Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 64, s. 1,
amended.

1. Section 1 of *The Rural Hydro-Electric Distribution Act* is amended by striking out the words "municipality or commission" in the fourth and fifth lines and inserting in lieu thereof the words "commission or municipal corporation," and by striking out all the words after the word "cost" in the seventh line and inserting in lieu thereof the words "of acquiring and constructing in the rural power district, lands and works, including plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment, for the supply of power to any customer or premises up to the point of delivery by such commission or corporation," so that the said section shall now read as follows:

Grants in
aid of dis-
tribution
works in
rural power
districts.

1. Upon the recommendation of The Hydro-Electric Power Commission of Ontario and the order of the Lieutenant-Governor in Council, the Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any commission or municipal corporation distributing power in a rural power district under the provisions of *The Power Commission Act*, a sum not exceeding fifty per centum of the capital cost of acquiring and constructing in the rural power district, lands and works, including plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment, for the supply of power to any customer or premises up to the point of delivery by such commission or corporation.

Rev. Stat.,
c. 62.

Rev. Stat.,
c. 64, s. 3,
amended.

2. Section 3 of *The Rural Hydro-Electric Distribution Act* is amended by striking out the words "municipal corporations or commissions" in the first line and inserting in lieu thereof the words "any commission or municipal corporation," so that the said section shall now read as follows:

3. All sums paid to any commission or municipal corporation under the authority of section 1 or section 2 shall be chargeable in the books of the Treasurer of Ontario as expenditure upon capital account. ^{Grants chargeable to capital account.}

3. This Act may be cited as *The Rural Hydro-Electric Distribution Amendment Act, 1939.* ^{Short title.}

An Act to amend The Rural Hydro-Electric
Distribution Act.

1st Reading

April 12th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 25th, 1939

Mr. Houck

No. 80

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Power Commission Act.

MR. HOUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 62, s. 12,
subs. 1,
amended.

1.—(1) Subsection 1 of section 12 of *The Power Commission Act* is amended by striking out the word "shall" in the second line and inserting in lieu thereof the word "may," and by striking out clause *c*, so that the said subsection shall now read as follows:

Stabiliza-
tion fund
account.

(1) An account to be known as the "stabilization fund account" may be opened and maintained on the books of the Commission and the Commission may place to the credit of such account,—

(a) such amounts as the Commission may determine and collect for the purposes of this section from its customers;

(b) interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Rev. Stat.,
c. 62, s. 12,
subs. 2,
repealed.

(2) Subsection 2 of the said section 12 is repealed.

Rev. Stat.,
c. 62,
amended.

2. *The Power Commission Act* is amended by adding thereto the following section:

Ownership
of works
retained.

33a. Where works of the Commission have been affixed to realty, they shall remain subject to the rights of the Commission as fully as they were before being so affixed unless otherwise agreed by the Commission in writing.

Rev. Stat.,
c. 62, s. 71,
re-enacted.

3. Section 71 of *The Power Commission Act* is repealed and the following substituted therefor:

EXPLANATORY NOTES

SECTION 1—Subsection 1. The maintaining of a stabilization fund account is made optional.

Clause *c* is deleted and this eliminates any provisions for transfer to the said fund of any municipal surplus.

Subsection 2. Subsection 2 of section 12 is deleted and eliminates the transfer to the said fund of any such surpluses now held by the Commission.

SECTION 2. The new section 33*a* provides that works such as transformers and meters which are physically attached to the realty shall not be fixtures but the Commission shall retain all its rights in such works.

SECTION 3. Section 71 has been rearranged separating different provisions into subsections, thereby clarifying its meaning. In clause *a* of the new subsection 3, land has been included as well as works. It is sometimes necessary to keep rural lines off the highway under certain locations and acquire rights over private property.

Contracts
for supply
of power.

- 71.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with the corporation of a township, or townships, or with the corporations of two or more townships, for the supply and distribution by the Commission of electrical power in the township or townships.

Defining
areas.

- (2) The Commission may lay out and define areas, called "rural power districts," in the township or townships for the distribution of electrical power.

Commission
acts for
corporation.

- (3) The Commission may, on behalf of the corporation,—
- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transforming and distributing in, any such rural power district of electrical power;
 - (b) supply electrical power to any customer of the corporation or at any premises in any such rural power district;
 - (c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell electrical power to any customer or at any premises in such rural power district.

Alterations
of boundary.

- (4) The Commission may unite any two or more rural power districts in one rural power district and may join into a rural power district or may include in a rural power district one or more townships or any part or parts thereof whether already part of any rural power district or not and may alter the boundaries of any rural power district.

Signing of
contracts.

- (5) Contracts in which the municipal corporation agrees to supply or sell electrical power shall be sufficiently executed on behalf of the corporation if signed by its clerk or by such other officer as may be designated by the council of the corporation.

Powers
given to
Commission.

- 71a. For the purposes of this Part, the Commission may exercise any of the powers which the Commission may exercise or be authorized to exercise under Part I.

Rev. Stat.,
c. 62, s. 76,
subs. 3,
amended.

4. Subsection 3 of section 76 of *The Power Commission Act* is amended by striking out all the words in the first two lines and inserting in lieu thereof the words "In any such area, the Commission may," and by inserting after the word "all" in the second line of clause *a* the words "lands and", so that

New subsection 5 provides that consumer contracts may be signed by the clerk or such other officer of the municipal corporation as may be designated by by-law.

New section 71a authorizes the Commission to use in rural power districts the ordinary powers that it may exercise under Part I of the Act.

SECTION 4. Subsection 3 of section 76 now provides that the powers to be exercised by the Commission shall be exercised in the areas defined by the Orders-in-Council mentioned in subsection 2.

the said subsection shall now read as follows:

Supply of
power.

(3) In any such area, the Commission may,—

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transformation and distribution and supply of electrical power or energy in any such area;
- (b) distribute and supply electrical power or energy in any such area;
- (c) contract with any person, firm or corporation for the supply of electrical power or energy in any such area.

Rev. Stat.,
c. 62, s. 77,
amended.

5. Section 77 of *The Power Commission Act* is amended by adding at the end thereof the words, "except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 47," so that the section shall now read as follows:

Application
of Part II
as to annual
payments.

77. All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this Part, and shall extend to the works constructed under the contract for transforming, distributing and supplying electrical power or energy in a rural power district except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 47.

Rev. Stat.,
c. 62, s. 78,
amended.

6. Section 78 of *The Power Commission Act* is amended by striking out all the words after the word "Commission" in the third line and inserting in lieu thereof the words, "under this Act," so that the section shall now read as follows:

Rates to be
fixed by
Commission.

78. The rates to be charged to customers receiving electrical power or energy from the Commission in a rural power district, shall be fixed by the Commission under this Act.

By-laws
confirmed.

7. By-law number 1072 of the corporation of the town of Arnprior; By-law number 582 of the corporation of the village of Beamsville; By-law number 660 of the corporation of the village of Millbrook; By-law number 579 of the corporation of the village of Newcastle; By-law number 1030 of the corporation of the township of Clarke, and all debentures issued

In clause *a* provision is made for acquiring lands as well as constructing works since the works cannot always be constructed on highways.

SECTION 5. There is added to section 77 provision that annual adjustments of costs shall not apply where the contract is with a municipal corporation in Northern Ontario supplied with power from any of the works mentioned in section 47.

SECTION 6. Section 78 is revised to conform to present practice.

SECTIONS 7 and 8. These sections validate certain municipal by-laws, debentures and agreements.

or to be issued or purporting to be issued under any of the said by-laws are confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof respectively, and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or *The Municipal Act* or any amendments thereto or any other general or special Act of this Legislature.

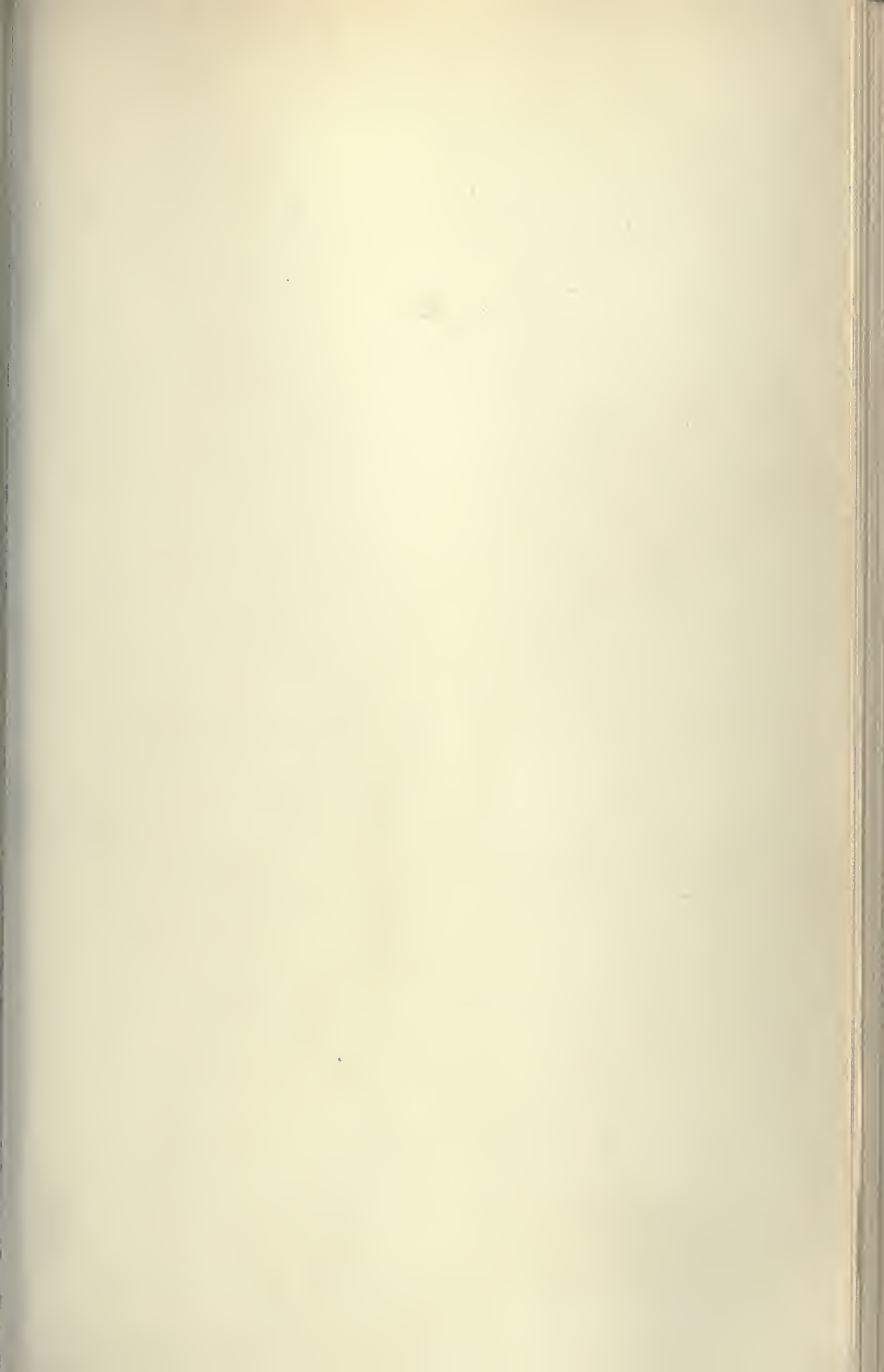
Rev. Stat.,
cc. 62, 266.

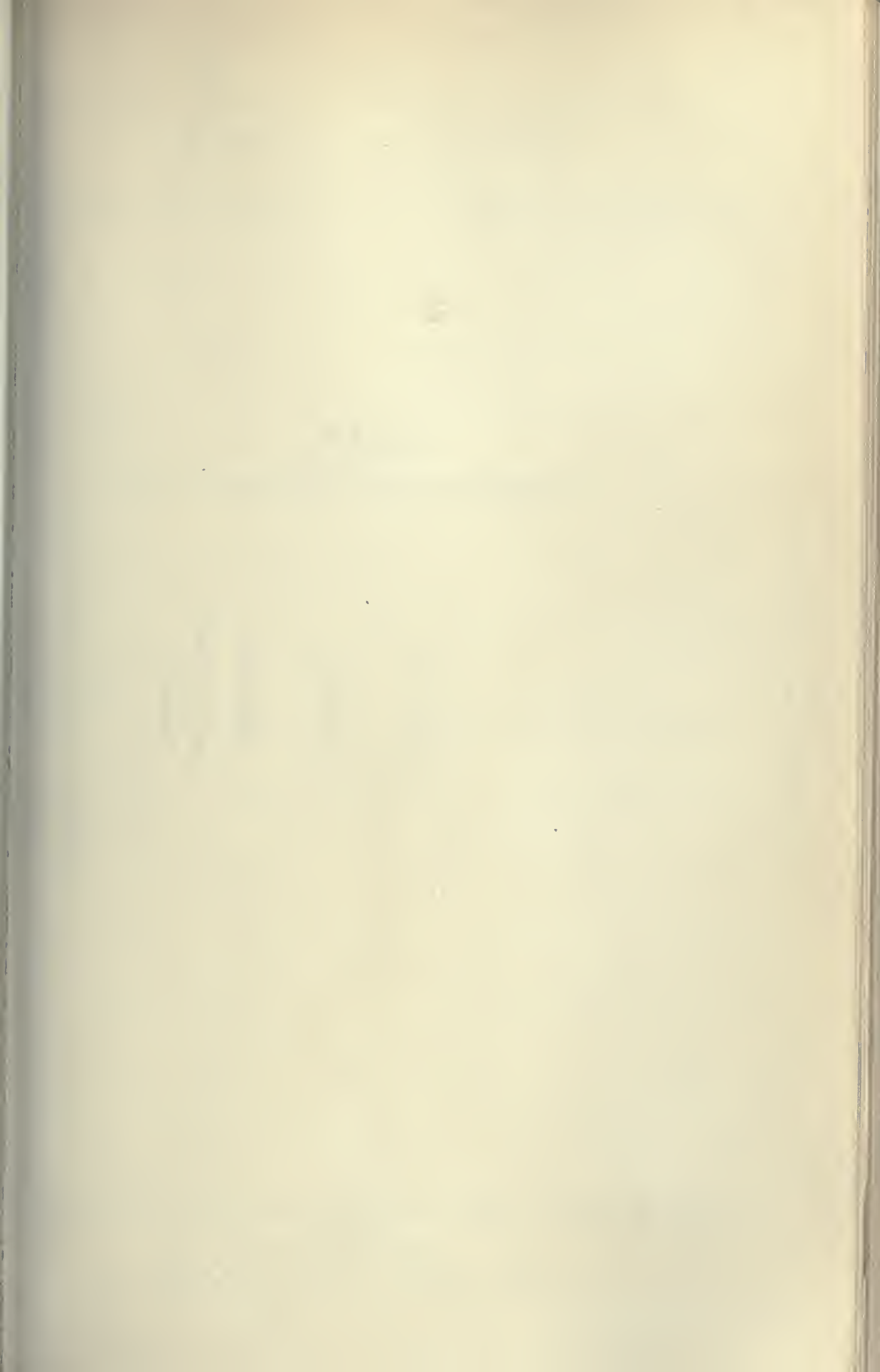
By-law
confirmed.

8. By-law number 132 for the year 1937 of the corporation of the city of Windsor and the agreement between the said corporation and The Windsor Utilities Commission thereby authorized are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and The Windsor Utilities Commission.

Short title.

9. This Act may be cited as *The Power Commission Amendment Act, 1939*.





BILL

An Act to amend The Power Commission
Act.

1st Reading

April 12th, 1939

2nd Reading

3rd Reading

MR. HOVCK

No. 80

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Power Commission Act.

MR. HOUCK

TORONTO
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BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 62, s. 12,
subs. 1,
amended.

1.—(1) Subsection 1 of section 12 of *The Power Commission Act* is amended by striking out the word “shall” in the second line and inserting in lieu thereof the word “may,” and by striking out clause *c*, so that the said subsection shall now read as follows:

Stabiliza-
tion fund
account.

(1) An account to be known as the “stabilization fund account” may be opened and maintained on the books of the Commission and the Commission may place to the credit of such account,—

(a) such amounts as the Commission may determine and collect for the purposes of this section from its customers;

(b) interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

Rev. Stat.,
c. 62, s. 12,
subs. 2,
repealed.

(2) Subsection 2 of the said section 12 is repealed.

Rev. Stat.,
c. 62,
amended.

2. *The Power Commission Act* is amended by adding thereto the following section:

Ownership
of works
retained.

33a. Where works of the Commission have been affixed to realty, they shall remain subject to the rights of the Commission as fully as they were before being so affixed unless otherwise agreed by the Commission in writing.

Rev. Stat.,
c. 62, s. 71,
re-enacted.

3. Section 71 of *The Power Commission Act* is repealed and the following substituted therefor:

- 71.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract ^{Contracts for supply of power.} with the corporation of a township, or townships, or with the corporations of two or more townships, for the supply and distribution by the Commission of electrical power in the township or townships.
- (2) The Commission may lay out and define areas, called ^{Defining areas.} "rural power districts," in the township or townships for the distribution of electrical power.
- (3) The Commission may, on behalf of the corporation,— ^{Commission acts for corporation.}
- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transforming and distributing in, any such rural power district of electrical power;
 - (b) supply electrical power to any customer of the corporation or at any premises in any such rural power district;
 - (c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell electrical power to any customer or at any premises in such rural power district.
- (4) The Commission may unite any two or more rural ^{Alterations of boundary.} power districts in one rural power district and may join into a rural power district or may include in a rural power district one or more townships or any part or parts thereof whether already part of any rural power district or not and may alter the boundaries of any rural power district.
- (5) Contracts in which the municipal corporation agrees ^{Signing of contracts.} to supply or sell electrical power shall be sufficiently executed on behalf of the corporation if signed by its clerk or by such other officer as may be designated by the council of the corporation.
- 71a. For the purposes of this Part, the Commission may ^{Powers given to Commission.} exercise any of the powers which the Commission may exercise or be authorized to exercise under Part I.

4. Subsection 3 of section 76 of *The Power Commission Act* is amended by striking out all the words in the first two lines and inserting in lieu thereof the words "In any such area, the Commission may," and by inserting after the word "all" in the second line of clause a the words "lands and", so that

Rev. Stat.,
c. 62, s. 76,
subs. 3,
amended.

the said subsection shall now read as follows:

Supply of
power.

(3) In any such area, the Commission may,—

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transformation and distribution and supply of electrical power or energy in any such area;
- (b) distribute and supply electrical power or energy in any such area;
- (c) contract with any person, firm or corporation for the supply of electrical power or energy in any such area.

Rev. Stat.,
c. 62, s. 77,
amended.

5. Section 77 of *The Power Commission Act* is amended by adding at the end thereof the words, "except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 47," so that the section shall now read as follows:

Application
of Part II
as to annual
payments.

77. All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this Part, and shall extend to the works constructed under the contract for transforming, distributing and supplying electrical power or energy in a rural power district except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 47.

Rev. Stat.,
c. 62, s. 78,
amended.

6. Section 78 of *The Power Commission Act* is amended by striking out all the words after the word "Commission" in the third line and inserting in lieu thereof the words, "under this Act," so that the section shall now read as follows:

Rates to be
fixed by
Commission.

78. The rates to be charged to customers receiving electrical power or energy from the Commission in a rural power district shall be fixed by the Commission under this Act.

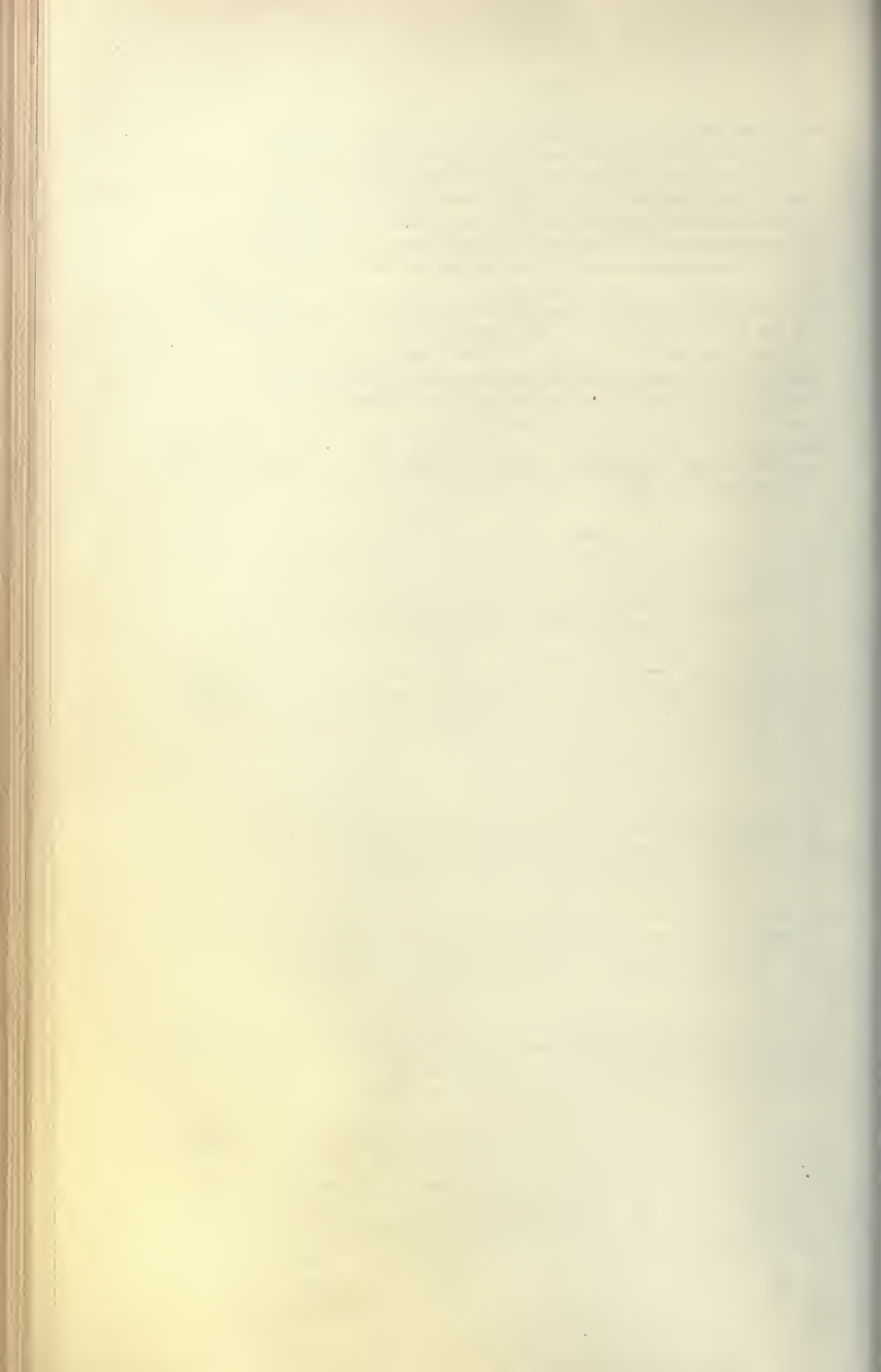
By-laws
confirmed.

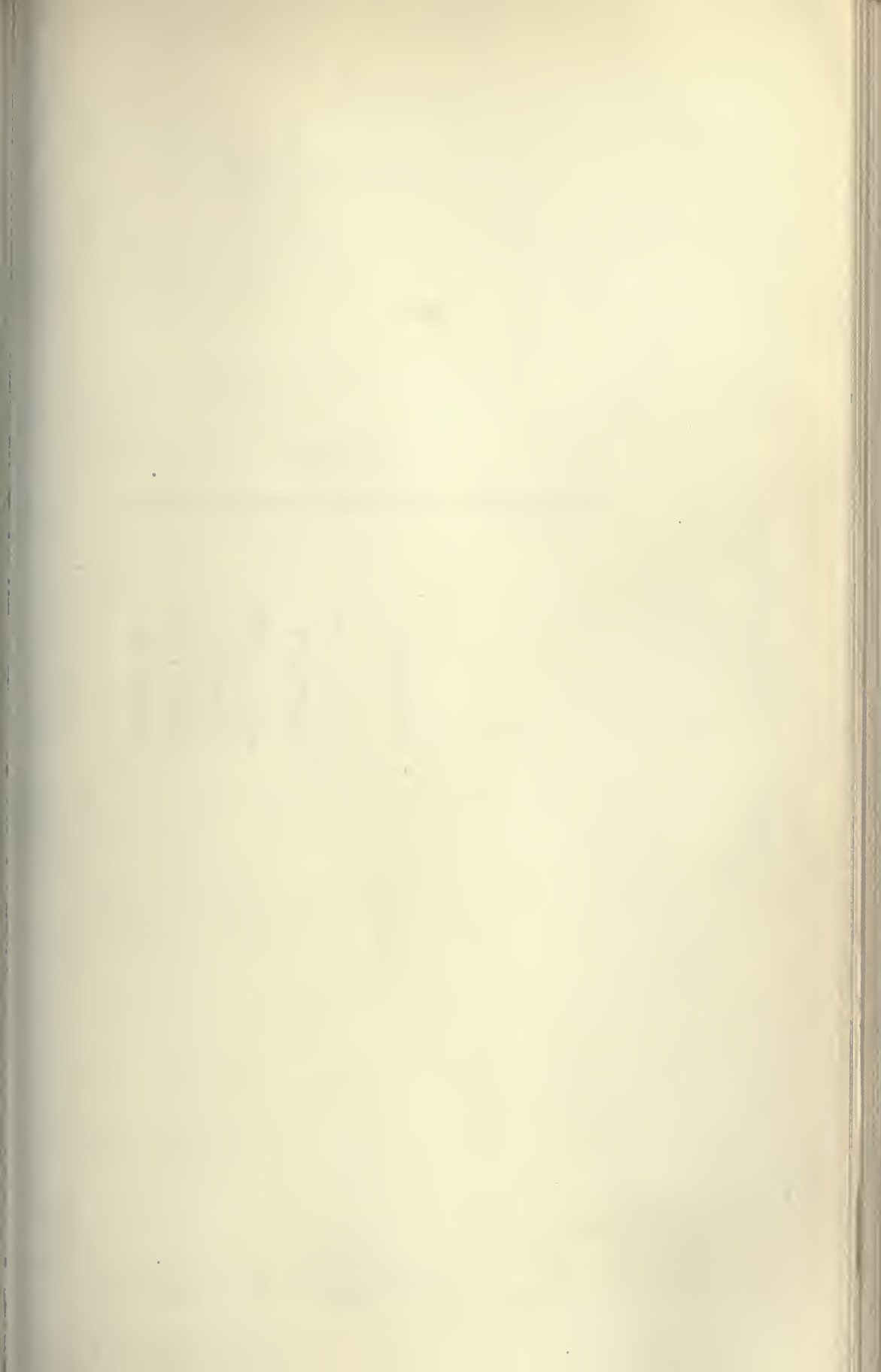
7. By-law number 1072 of the corporation of the town of Arnprior; By-law number 582 of the corporation of the village of Beamsville; By-law number 660 of the corporation of the village of Millbrook; By-law number 579 of the corporation of the village of Newcastle; By-law number 1030 of the corporation of the township of Clarke, and all debentures issued

or to be issued or purporting to be issued under any of the said by-laws are confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof respectively, and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or *The Municipal Act* or any amendments thereto or any other general or special Act of this Legislature. Rev. Stat., cc. 62, 266.

8. By-law number 132 for the year 1937 of the corporation of the city of Windsor and the agreement between the said corporation and The Windsor Utilities Commission thereby authorized are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and The Windsor Utilities Commission. By-law confirmed.

9. This Act may be cited as *The Power Commission Amendment Act, 1939*. Short title.





BILL

An Act to amend The Power Commission
Act.

1st Reading

April 12th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 26th, 1939

Mr. Houck

No. 81

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting Holidays with Remuneration.

MR. CROLL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Holidays with Remuneration.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Inter-
pretation.

1. In this Act,—

- “Employee.” (a) “Employee” shall include a person who performs any work in any business, trade, work, undertaking or occupation for wages or with the hope or expectation of receiving wages either directly from his employer or indirectly through another person;
- “Employer.” (b) “Employer” shall include a person who as the owner, manager, proprietor, superintendent or overseer of any business, trade, work or undertaking employs or permits any person to work in such business, trade, work or undertaking;
- “Wages.” (c) “Wages” shall include any form of remuneration for labour performed;
- “Week.” (d) “Week” shall include part of a week.

Two weeks
holiday
with pay.

2.—(1) Every employer shall allow every employee to have at least two weeks holidays for every fifty-two weeks during which each such employee is employed by him with payment of wages at the same rate as when the employee is performing work for the employer.

Piece work.

(2) Where the rate of wages paid to an employee is on a productive basis at a piece work or unit price, the wages which the employee shall receive during his vacation shall be on the basis of the daily average wages earned by him during the fifty weeks next preceding such vacation.

Sale or dis-
position of
business.

(3) Where any employer sells or otherwise disposes of his business, trade, work or undertaking in which any employee is employed the provisions of this section shall apply in the same manner as if there had been no change in the ownership of such business, trade, work or undertaking.

EXPLANATORY NOTES.

GENERAL. The purpose of this Bill is to provide that employees shall be entitled to receive two weeks holidays from their work, with wages, for every fifty-two weeks of their employment.

SECTION 1. Words used in the Act defined.

SECTION 2. Provides that every employee shall be entitled to receive at least two weeks holidays with payment of wages during each fifty-two weeks of his employment.

Holiday
to be in
addition to
statutory
holidays.

3. The holiday provided for under this Act shall be in addition to any holiday to which an employee may be entitled under any Act of the Parliament of Canada or of this Legislature.

Regulations.

4. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing what shall constitute fifty-two weeks' employment;
- (b) providing for the settlement of disputes between employees and employers arising in connection with the administration of this Act;
- (c) generally for the carrying out, enforcement and administration of the provisions of this Act.

Penalty to
employer.

5.—(1) Every employer who violates any of the provisions of this Act or the regulations shall be guilty of an offence and shall upon conviction be liable to a penalty not exceeding \$25 and for each subsequent offence to a penalty of not less than \$25 and not exceeding \$100.

Recovery
of penalties.
Rev. Stat.,
c. 136.

(2) The penalties imposed under this section shall be recoverable under *The Summary Convictions Act*.

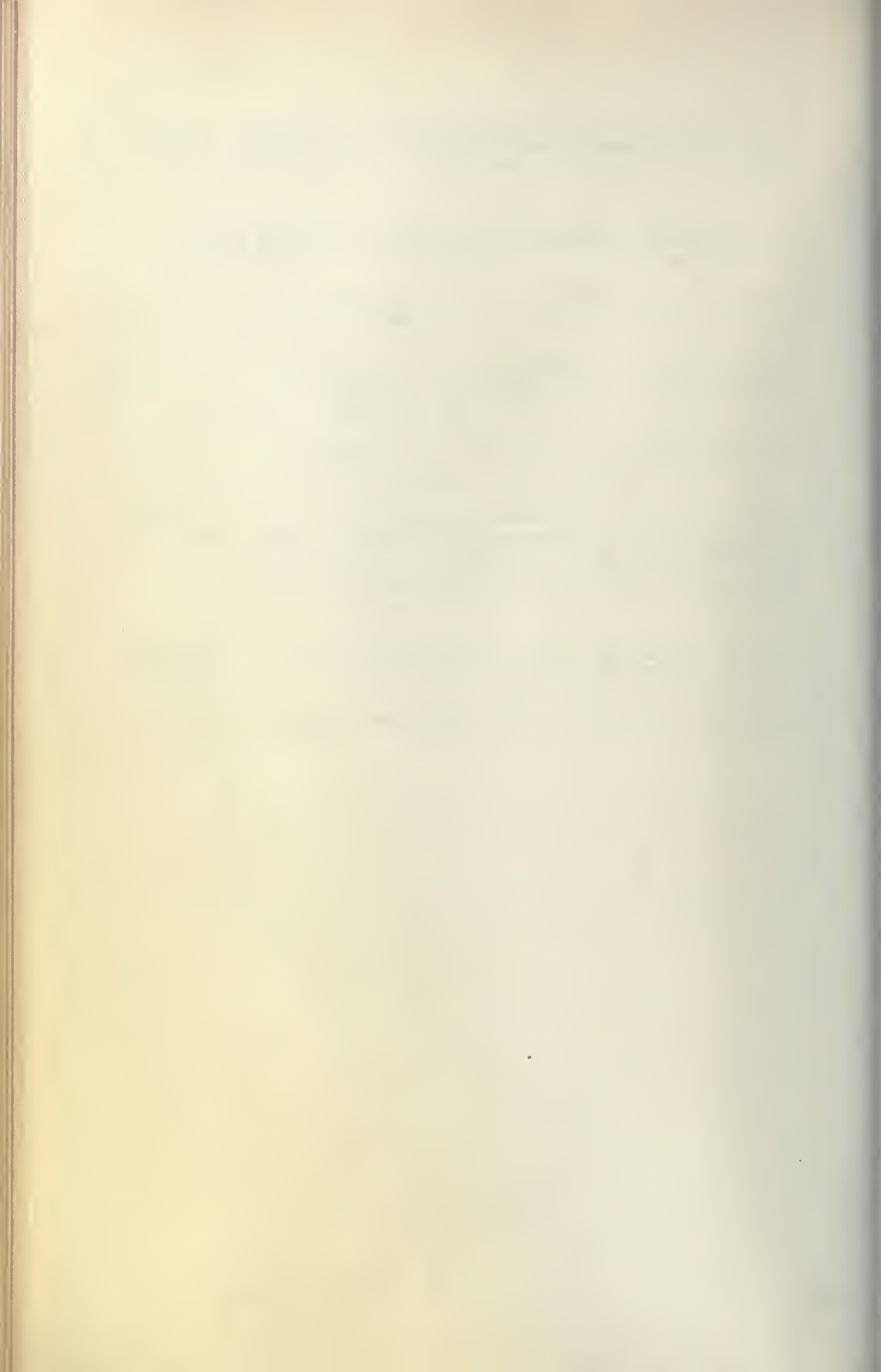
Short title.

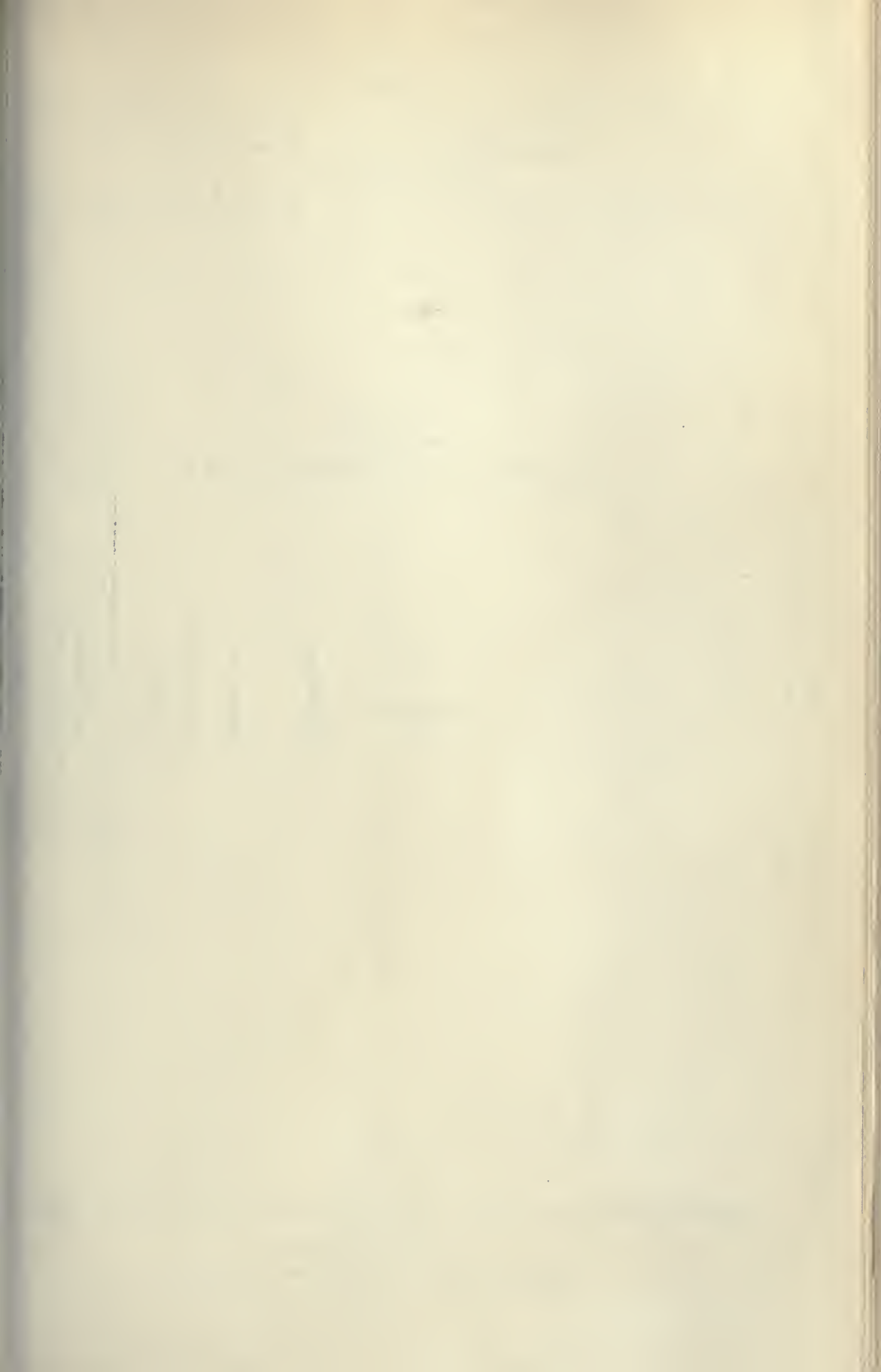
6. This Act may be cited as *The Holidays with Remuneration Act, 1939*.

SECTION 3. Provides that the holidays provided for under this section are to be in addition to statutory holidays.

SECTION 4. Permits the Lieutenant-Governor in Council to make regulations.

SECTION 5. Provides penalties for violations of the Act and regulations.





BILL

An Act respecting Holidays with
Remuneration.

1st Reading

April 13th, 1939

2nd Reading

3rd Reading

MR. CROLL

No. 82

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Highway Traffic Act.

MR. MCQUESTEN

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 1,
amended.

1. Section 1 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1938*, is further amended by adding thereto the following subsection:

Lights.

- (3) Where any light is required by any provision of this Act to be visible for a specified distance such requirement shall be deemed to apply during the times indicated in such provision upon level ground and under normal atmospheric conditions.

Rev. Stat.,
c. 288, s. 10,
subs. 4,
amended.

2.—(1) Subsection 4 of section 10 of *The Highway Traffic Act* is amended by striking out the word “three” in the second line and inserting in lieu thereof the word “four” and by striking out the word “commercial” in the third line, so that the said subsection shall now read as follows:

Strength of
front lamps.

- (4) No motor vehicle shall carry on the front thereof more than four lighted lamps of over four candle power, and additional lights displayed on the front of vehicles to distinguish the width or class of such vehicle shall be green in colour only and of not more than four candle power.

Rev. Stat.,
c. 288, s. 10,
amended.

(2) The said section 10 is further amended by adding thereto the following subsections:

Identifi-
cation
lamps.

- (5a) Whenever on a highway after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of thirty feet or a width in excess of eighty inches shall carry three lamps displaying green lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line near the top of the vehicle or combination of

EXPLANATORY NOTES.

SECTION 1. The new subsection provides that where the Act requires any light to be visible for a specified distance, such requirement shall apply to visibility upon level ground and under normal atmospheric conditions.

SECTION 2.—Subsection 1. The amendment permits the carrying of fog lights which are standard equipment on many new cars to-day. The word "commercial" is struck out so that the final part of the subsection shall apply to both motor vehicles and trailers which is consistent with other provisions of the Act.

Subsection 2. The new subsections provide for the carrying of identification lamps and side marker lamps on larger vehicles.

vehicles and shall be visible for distances of five hundred feet from the front and rear respectively of the vehicle or combination of vehicles.

Side marker
lamps.

- (5b) Whenever on a highway after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of twenty feet shall carry not less than four side marker lamps, two of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display green lights and two of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display red lights and each of which lights shall be visible for a distance of five hundred feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lights required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of five hundred feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection, on the left side of the vehicle.

Rev. Stat.,
c. 288, s. 10,
subs. 13,
re-enacted;
subs. 14,
repealed.

Regulations
as to lights.

- (3) Subsections 13 and 14 of the said section 10 are repealed and the following substituted therefor:

- (13) The Lieutenant-Governor in Council may make regulations prescribing the type and maximum strength of lights which shall be carried by vehicles, and regulating the location, direction, focus and use of such lights.

Rev. Stat.,
c. 288, s. 10,
subs. 15,
amended.

- (4) Subsection 15 of the said section 10 is amended by striking out the figures and word "13 or 14" in the second line and inserting in lieu thereof the words and figures "or of the regulations made under subsection 13," so that the said subsection shall now read as follows:

Penalty.

- (15) Any person who violates any of the provisions of subsection 12 or of the regulations made under subsection 13 shall incur, for the first offence, a penalty of not more than \$10; for the second offence, a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days.

Subsections 3 and 4. Provisions prescribing the maximum strength of lights on vehicles are repealed and the Lieutenant-Governor in Council is given authority to make regulations regarding the type, strength, location, direction, focus and use of lights. This amendment is desirable in view of development in headlight construction.

Rev. Stat.,
c. 288, s. 15,
subs. 4,
amended.

3. Subsection 4 of section 15 of *The Highway Traffic Act* is amended by striking out all the words down to and including the words "department or" in the second line and inserting in lieu thereof the words "No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by," so that the said subsection shall now read as follows:

Prohibition
as to use of
siren horn.

(4) No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by the Department shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

Rev. Stat.,
c. 288, s. 17,
subs. 2,
amended.

4. Subsection 2 of section 17 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the first line and after the word "vehicles" in the second line the words "including load or contents," so that the said subsection shall now read as follows:

Length of
vehicle or
combination
of vehicles.

(2) No vehicle, including load or contents, shall exceed the length of thirty-three feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of fifty feet.

Rev. Stat.,
c. 288, s. 26,
amended.

5. Section 26 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Speed
limit in
Burlington
Beach.

(3a) No vehicle shall be driven upon any highway within Burlington Beach at a greater rate of speed than thirty miles per hour.

Rev. Stat.,
c. 288, s. 27,
re-enacted.

6. Section 27 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless
driving.

27.—(1) Every person who drives a motor vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable in the case of a first offence to a penalty of not less than \$10 and not exceeding \$100, and in the case of a second or subsequent offence to a penalty of not less than \$25 and not exceeding \$250 or to imprisonment for a term not exceeding three months.

Penalty.

(2) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver, shall be deemed to be driving without due care and attention within the meaning of this section.

Crowding
driver's
seat.

SECTION 3. The amendment permits a siren horn to be carried by ambulances and public utility emergency vehicles as well as fire, police and Departmental vehicles.

SECTION 4. The section regulating the length of loads is amended to render the maximum length provisions inclusive of load or contents. This is consistent with the preceding subsection which regulates the width of vehicles.

SECTION 5. Because of the special municipal nature of Burlington Beach a special provision fixing the speed limit therein is necessary.

SECTION 6. The section creating the offence commonly known as "reckless driving" is repealed as the Criminal Code now contains a similar section. A new section creating a lesser offence is substituted. The new section is similar to a section of the English Road Traffic Act.

The provision regarding crowding in the driver's seat is retained in a form consistent with the new provision.

Rev. Stat.,
c. 288,
amended.

7. *The Highway Traffic Act* is amended by adding thereto the following section:

Vehicle
carrying
explosives.

37a.—(1) Every vehicle carrying explosives as a load or part of a load shall carry a yellow placard on each side thereof and a yellow flag at the rear thereof each of which shall be not less than twenty-four inches square and shall bear the word "explosives" in black letters not less than six inches in height, and every such vehicle shall be equipped with not less than two fire extinguishers of a type approved by the Minister which shall be kept ready for use at a place convenient to the driver.

Regulations
re carriage
of explo-
sives.

(2) The Lieutenant-Governor in Council may make regulations further regulating the transportation of explosives and other dangerous articles upon the highway.

Penalty.

(3) Every person who violates the provisions of this section or of the regulations made thereunder shall be liable to a penalty of not less than \$25, nor more than \$250 or to imprisonment for a term not exceeding three months, or to both.

Rev. Stat.,
c. 288, s. 39,
subs. 2,
cl. h,
subcl. i,
amended.

8. Subclause i of clause h of subsection 2 of section 39 of *The Highway Traffic Act* is amended by striking out the word "approximately" in the ninth line and inserting in lieu thereof the words "not less than," so that the said subclause shall now read as follows:

(i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

Rev. Stat.,
c. 288, s. 44,
subs. 2,
amended.

9. Subsection 2 of section 44 of *The Highway Traffic Act* is amended by inserting after the word "ride" in the second line the words "or any other thing" and by inserting after the word "from" in the second line the words "or offer to perform any service for," so that the said subsection shall now read as follows:

SECTION 7. The new section regulates the transportation of explosives and permits the Lieutenant-Governor in Council to make regulations further governing their transportation upon the highway.

SECTION 8. In some locations it is desirable to have traffic control signal-lights more than nine feet from the ground. Accordingly the amendment renders nine feet the minimum height instead of the approximate height as at present.

SECTION 9. The provision prohibiting the soliciting of rides has been found inadequate and accordingly its provisions are extended.

Soliciting
rides,
offering
services,
prohibited.

- (2) No person shall, while on the travelled portion of a highway, solicit a ride or any other thing from or offer to perform any service for the driver or operator of a motor vehicle other than a public vehicle.

Rev. Stat.,
c. 288, s. 56,
subs. 1
(1938, c. 17,
s. 10),
amended.

10. Subsection 1 of section 56 of *The Highway Traffic Act* as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1938*, is amended by inserting after the figure "4" in the second line of clause *a*, the word and figure "or 8," and by inserting after the words "driven by" in the eighth line of the subsection the words "or under the care or control of," so that the said subsection shall now read as follows:

Impounding
motor
vehicles.

- (1) In the event of,—

- (a) a conviction under section 23 or 67 of this Act or subsection 4 or 8 of section 285 of the *Criminal Code*; or
- (b) a second conviction under section 45; or
- (c) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by or under the care or control of the person convicted, at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided such motor vehicle was at such time registered in the name of such person, or in the name of the husband, wife, parent or dependant child of such person.

Rev. Stat.,
c. 288, s. 57,
amended.

11. Section 57 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Approval
of traffic
by-law in
whole or
in part.

- (2) Any by-law for regulating traffic on highways which is submitted to the Department for approval may be approved in whole or in part and where part of a by-law is approved, only that part shall become operative.

Rev. Stat.,
c. 288, s. 78,
subs. 1,
amended.

12.—(1) Subsection 1 of section 78 of *The Highway Traffic Act* is amended by adding thereto the following clause:

- (ee) Any offence under subsection 6 of section 285 of the *Criminal Code* if any injury to any person or property occurs in connection therewith;—

Rev. Stat.,
c. 288, s. 78,
subs. 1,
cl. *f*,
amended.

- (2) Clause *f* of subsection 1 of the said section 78 is amended by inserting after the word "any" in the first line the word "other," so that the said clause shall now read as follows:

SECTION 10. The section providing for the impounding of motor vehicles is amended in two particulars. As amended it provides for the impounding of a motor vehicle where there is a conviction under the Criminal Code for driving a motor vehicle when the driver's license has been suspended or cancelled. It is also made to apply where the person convicted of a violation of any of the sections mentioned had the care or control of the motor vehicle although he was not actually driving it.

SECTION 11. The provision permits the Department to approve part of a traffic by-law submitted for approval by a municipal corporation or board of police commissioners or police trustees.

SECTION 12. The section providing for the suspension of a driver's license and owner's permit is made to apply in the case of a conviction for reckless driving under the Criminal Code only where injury to any person or property occurs in connection therewith.

- (f) Any other criminal offence involving the use of a motor vehicle.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

13. Subsection 1 of section 92 of *The Highway Traffic Act* is amended by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$25," so that the said subsection shall now read as follows:

Cancellation
and return
of security.

- (1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time after three years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$25 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Commence-
ment of
s. 2, subs. 2;

14.—(1) Subsection 2 of section 2 of this Act shall come into force on the 1st day of September, 1939.

s. 12;

(2) Section 12 of this Act shall be deemed to have been in force from the 1st day of July, 1938.

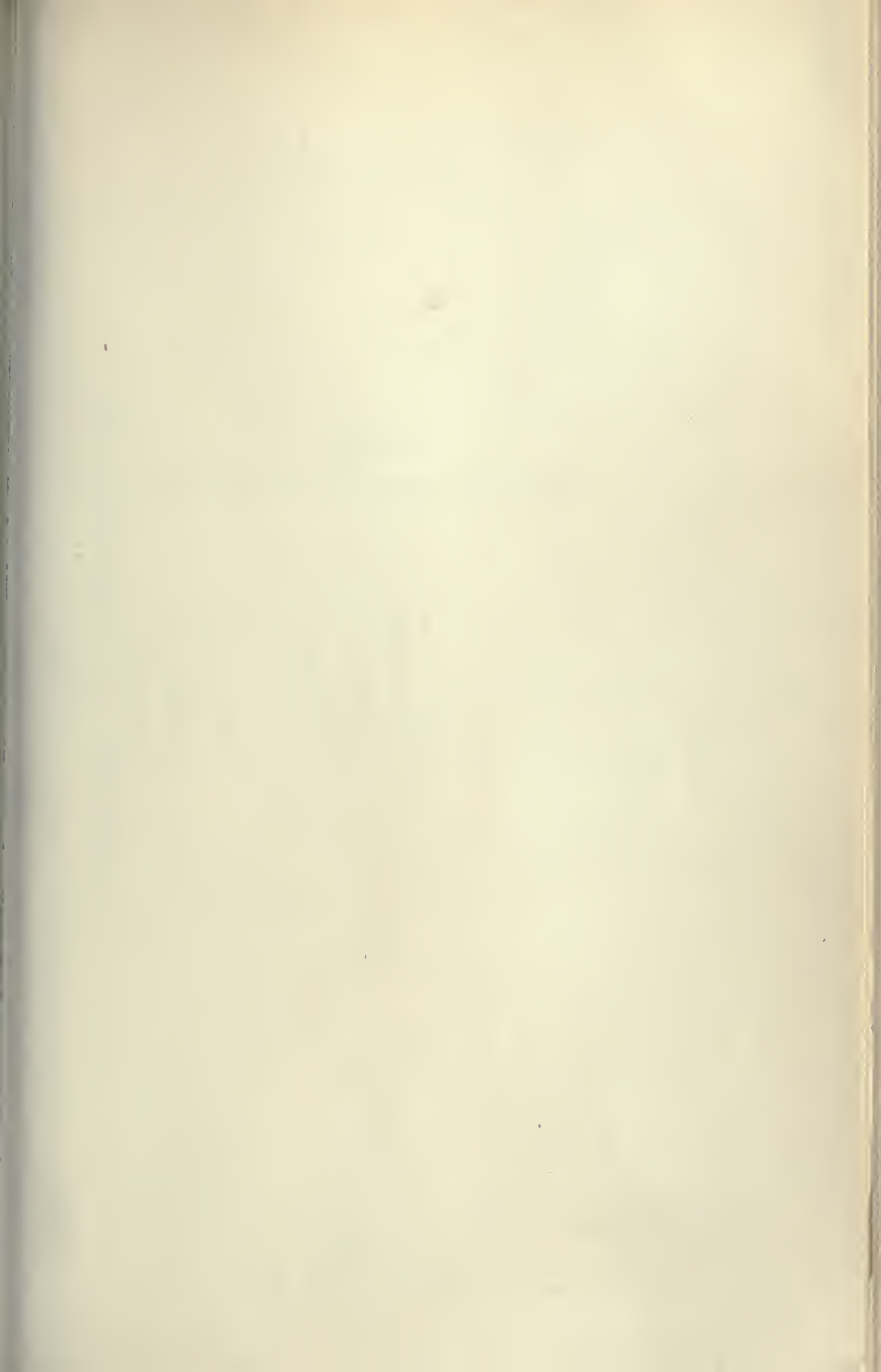
the Act.

(3) Except as provided by subsections 1 and 2 of this section, this Act shall come into force on the 1st day of July, 1939.

Short title.

15. This Act may be cited as *The Highway Traffic Amendment Act, 1939*.

SECTION 13. The amendment is complementary to an amendment made to subsection 1 of section 79 at the last session of the Legislature.



BILL

An Act to amend The Highway
Traffic Act.

1st Reading

April 13th, 1939

2nd Reading

3rd Reading

MR. McQUESTEN

No. 82

3RD SESSION, 20TH LEGISLATURE, ONTARIO
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An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 288, s. 1,
amended.

1. Section 1 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1938*, is further amended by adding thereto the following subsection:

Lights.

- (3) Where any light is required by any provision of this Act to be visible for a specified distance such requirement shall be deemed to apply during the times indicated in such provision upon level ground and under normal atmospheric conditions.

Rev. Stat.,
c. 288, s. 10,
subs. 4,
amended.

2.—(1) Subsection 4 of section 10 of *The Highway Traffic Act* is amended by striking out the word "three" in the second line and inserting in lieu thereof the word "four" and by striking out the word "commercial" in the third line, so that the said subsection shall now read as follows:

Strength of
front lamps.

- (4) No motor vehicle shall carry on the front thereof more than four lighted lamps of over four candle power, and additional lights displayed on the front of vehicles to distinguish the width or class of such vehicle shall be green in colour only and of not more than four candle power.

Rev. Stat.,
c. 288, s. 10,
amended.

(2) The said section 10 is further amended by adding thereto the following subsections:

Identifi-
cation
lamps.

- (5a) Whenever on a highway after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of thirty feet or a width in excess of eighty inches shall carry three lamps displaying green lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the vehicle or combination of

vehicles as the permanent structure of the vehicle permits and shall be visible for distances of five hundred feet from the front and rear respectively of the vehicle or combination of vehicles.

- (5b) Whenever on a highway after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of twenty feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of five hundred feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lights required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of five hundred feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection, on the left side of the vehicle.

- (3) Subsections 13 and 14 of the said section 10 are repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 10,
subs. 13,
re-enacted;
subs. 14,
repealed.

- (13) The Lieutenant-Governor in Council may make regulations prescribing the type and maximum strength of lights which shall be carried by vehicles, and regulating the location, direction, focus and use of such lights.

Regulations
as to lights.

- (4) Subsection 15 of the said section 10 is amended by striking out the figures and word "13 or 14" in the second line and inserting in lieu thereof the words and figures "or of the regulations made under subsection 13," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 10,
subs. 15,
amended.

- (15) Any person who violates any of the provisions of subsection 12 or of the regulations made under subsection 13 shall incur, for the first offence, a penalty of not more than \$10; for the second offence, a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days.

Penalty.

Rev. Stat.,
c. 288, s. 15,
subs. 4,
amended.

3. Subsection 4 of section 15 of *The Highway Traffic Act* is amended by striking out all the words down to and including the words "department or" in the second line and inserting in lieu thereof the words "No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by," so that the said subsection shall now read as follows:

Prohibition
as to use of
siren horn.

- (4) No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by the Department shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

Rev. Stat.,
c. 288, s. 17,
subs. 2,
amended.

4. Subsection 2 of section 17 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the first line and after the word "vehicles" in the second line the words "including load or contents," so that the said subsection shall now read as follows:

Length of
vehicle or
combination
of vehicles.

- (2) No vehicle, including load or contents, shall exceed the length of thirty-three feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of fifty feet.

Rev. Stat.,
c. 288, s. 26,
amended.

5. Section 26 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Speed
limit in
Burlington
Beach.

- (3a) No vehicle shall be driven upon any highway within Burlington Beach at a greater rate of speed than thirty miles per hour.

Rev. Stat.,
c. 288, s. 27,
re-enacted.

6. Section 27 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless
driving.

- 27.—(1) Every person who drives a motor vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable in the case of a first offence to a penalty of not less than \$5 and not exceeding \$50, and in the case of a second or subsequent offence, within one year of the commission of the first offence, to a penalty of not less than \$10 and not exceeding \$100, or to imprisonment for a term not exceeding one month.

Penalty.

Crowding
driver's
seat.

- (2) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver, shall be deemed to be driving without due care and attention within the meaning of this section.

7. *The Highway Traffic Act* is amended by adding thereto the following section: Rev. Stat.,
c. 288,
amended.

37a.—(1) The Lieutenant-Governor in Council may make regulations regulating the transportation of explosives and other dangerous articles upon the highway. Regulations
re carriage
of explo-
sives.

(2) Every person who violates the provisions of the regulations made under this section shall be liable to a penalty of not less than \$25 nor more than \$250, or to imprisonment for a term not exceeding three months, or to both. Penalty.

8. Subclause i of clause h of subsection 2 of section 39 of *The Highway Traffic Act* is amended by striking out the word "approximately" in the ninth line and inserting in lieu thereof the words "not less than," so that the said subclause shall now read as follows: Rev. Stat.,
c. 288, s. 39,
subs. 2,
cl. h,
subcl. i,
amended.

(i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

9. Subsection 2 of section 44 of *The Highway Traffic Act* is amended by inserting after the word "ride" in the second line the words "or any other thing" and by inserting after the word "from" in the second line the words "or offer to perform any service for," so that the said subsection shall now read as follows: Rev. Stat.,
c. 288, s. 44,
subs. 2,
amended.

(2) No person shall, while on the travelled portion of a highway, solicit a ride or any other thing from or offer to perform any service for the driver or operator of a motor vehicle other than a public vehicle. Soliciting
rides,
offering
services,
prohibited.

10. Subsection 1 of section 56 of *The Highway Traffic Act* as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1938*, is amended by inserting after the figure "4" in the second line of clause a, the word and figure "or 8," and by inserting after the words "driven by" in the eighth line of the subsection the words "or under the care or control of," so that the said subsection shall now read as follows: Rev. Stat.,
c. 288, s. 56,
subs. 1
(1938, c. 17,
s. 10),
amended.

Impounding
motor
vehicles.

(1) In the event of,—

- (a) a conviction under section 23 or 67 of this Act or subsection 4 or 8 of section 285 of the *Criminal Code*; or
- (b) a second conviction under section 45; or
- (c) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by or under the care or control of the person convicted, at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided such motor vehicle was at such time registered in the name of such person, or in the name of the husband, wife, parent or dependant child of such person.

Rev. Stat.,
c. 288, s. 57,
amended.

11. Section 57 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Approval
of traffic
by-law in
whole or
in part.

- (2) Any by-law for regulating traffic on highways which is submitted to the Department for approval may be approved in whole or in part and where part of a by-law is approved, only that part shall become operative.

Rev. Stat.,
c. 288, s. 78,
subs. 1,
amended.

12.—(1) Subsection 1 of section 78 of *The Highway Traffic Act*, as amended by section 17 of *The Highway Traffic Amendment Act, 1938*, is further amended by adding thereto the following clause:

Suspension
of license.

- (ee) Any offence under subsection 6 of section 285 of the *Criminal Code* if any injury to any person or property occurs in connection therewith.

Rev. Stat.,
c. 288, s. 78,
subs. 1,
cl. f,
amended.

- (2) Clause *f* of subsection 1 of the said section 78 is amended by inserting after the word "any" in the first line the word "other," so that the said clause shall now read as follows:

Suspension
of license.

- (f) Any other criminal offence involving the use of a motor vehicle.

Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

13. Subsection 1 of section 92 of *The Highway Traffic Act* is amended by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$25," so that the said subsection shall now read as follows:

- (1) The Minister may waive the requirement of filing ^{Cancellation and return of security.} proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time after three years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$25 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

14.—(1) Subsection 2 of section 2 of this Act shall come ^{Commence-} into force on the 1st day of September, 1939. ^{ment of}
s. 2, subs. 2;

(2) Section 12 of this Act shall be deemed to have been in ^{s. 12;} force from the 1st day of July, 1938.

(3) Except as provided by subsections 1 and 2 of this ^{the Act.} section, this Act shall come into force on the 1st day of July, 1939.

15. This Act may be cited as *The Highway Traffic Amend-* ^{Short title.}
ment Act, 1939.

BILL

An Act to amend The Highway
Traffic Act.

1st Reading

April 13th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 26th, 1939

MR. McQUESTEN

No. 83

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The School Law Amendment Act, 1939.

MR. SIMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The School Law Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 361, s. 3,
subs. 1, cl. e,
amended.

1. Clause *e* of subsection 1 of section 3 of *The Boards of Education Act* as amended by section 2 of *The School Law Amendment Act, 1938*, is further amended by striking out the words "one additional member" in the amendment of 1938 and inserting in lieu thereof the words "an additional member or additional members," so that the first two lines of the subsection and clause *e* shall now read as follows:

Composi-
tion of
municipal
boards.

- (1) Except as hereinafter provided every municipal board shall be composed as follows:

.

- (e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2, may appoint an additional member or additional members of the board, as authorized by *The High Schools Act*.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 359, s. 1,
cl. b, re-
enacted.

2. Clause *b* of section 1 of *The Continuation Schools Act* as amended by subsection 1 of section 3 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

"County
pupils."

- (b) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within a high school district or within a town, village or school section in which a grade A or grade B continuation school is established or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside

EXPLANATORY NOTES.

SECTION 1. This amendment is complementary to the provision of this Bill which enacts section 13a of *The High Schools Act*.

SECTION 2. The clause as re-enacted is substantially the same as formerly but the meaning is clarified.

in municipalities or parts of municipalities in part of a county which is not included in a grade A or grade B continuation school section or high school district.

Rev. Stat.,
c. 359, s. 3,
amended.

3.—(1) Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

When con-
tinuation
school to
be deemed
public
school.

Rev. Stat.,
c. 357.

- (6a) For the purposes of subsections 1 and 2 of section 112 of *The Public Schools Act* a grade A or grade B continuation school shall be deemed to be a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers in any such school, nor shall any such grant be paid to any grade A or grade B continuation school in a continuation school section in which the amount paid for salaries of continuation school teachers amounts to less than eight mills on the tax rate.

Rev. Stat.,
c. 359, s. 3,
amended.

(2) The said section 3 is further amended by adding thereto the following subsections:

Election of
trustees.

- (11) Where a school section in which a continuation school has been established under subsection 1, or part thereof, becomes part of a township school area, trustees shall continue to be elected for the purposes of such continuation school in the same manner as though such school section had not been included in the township school area.

Management
committee,
—how
constituted.

- (12) Where a school section in which a continuation school has been established under subsection 3, or part thereof, becomes part of a township school area, the committee referred to in subsection 4 shall consist of three members to be elected by the rate-payers of the school section in which the school is situate, two members to be appointed by the board of the township school area and not more than two-thirds of the members of any board which has jurisdiction over a public school which is outside the township school area but within the continuation school section.

Rev. Stat.,
c. 359,
amended.

4. *The Continuation Schools Act* is amended by adding thereto the following section:

Resident
pupil,
county
pupil,
who to be
deemed.

- 7a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a

SECTION 3.—(1) The section regulates township grants to grade A and grade B continuation schools.

SECTION 3.—(2) The subsections provide for the manner of administering continuation schools within a township school area.

SECTION 4. Where any pupil falls within the definition of both "resident pupil" and "county pupil," the section prescribes in what cases he shall be deemed a resident pupil and in what cases he shall be deemed a county pupil.

school in the continuation school section in which he resides, he shall be deemed to be a resident pupil and if he is attending a school outside the continuation school section in which he resides, he shall be deemed to be a county pupil.

Rev. Stat.,
c. 359, s. 8,
subs. 1,
amended.

5. Subsection 1 of section 8 of *The Continuation Schools Act* is amended by striking out the word and figures "and 38" in the fifth line and inserting in lieu thereof the figures, word and letters "38, 38a and 38b," so that the said subsection shall now read as follows:

Cost of
education
of county
pupils.

- (1) The cost of education of county pupils attending grade A and grade B continuation schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 35, 36, 37, 38, 38a and 38b of *The High Schools Act*.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 360, s. 1,
subs. 1,
cl. c, re-
enacted.

6. Clause c of subsection 1 of section 1 of *The High Schools Act*, as amended by subsection 1 of section 10 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

"County
pupils."

- (c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within the limits of a high school district, or grade A or grade B continuation school section, or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities in part of a county which is not included in a high school district or grade A or grade B continuation school section.

Rev. Stat.,
c. 360, s. 13,
subs. 1,
amended.

7.—(1) Subsection 1 of section 13 of *The High Schools Act*, as amended by subsection 1 of section 14 of *The School Law Amendment Act, 1938*, is further amended by adding at the commencement thereof the words "Subject to the provisions of section 13a."

Rev. Stat.,
c. 360,
amended.

(2) *The High Schools Act* is amended by adding thereto the following section:

Appoint-
ment of
trustees
by county
council.

- 13a.—(1) Where a majority of the members of a high school board or board of education are in favour of the appointment of three trustees by the county council, as indicated by a motion duly carried, the county council may appoint three trustees to such board, one of whom may reside in the county outside the district.

SECTION 5. Certain of the provisions of *The High Schools Act* are incorporated in *The Continuation Schools Act* by reference. This amendment incorporates two other sections in the same way. One of such sections was enacted in 1938 and one is enacted by this Bill.

SECTION 6. The clause as re-enacted is substantially the same as formerly but the meaning is clarified.

SECTION 7.—(1), (2) These amendments provide that although the Act now permits only one trustee to be appointed by the county council to a high school board or board of education, the county council may instead appoint three trustees provided a motion to that effect has been carried by the board in question.

Retirement.

- (2) Where a county council appoints three trustees to a high school board or a board of education, one of such trustees shall retire each year.

Order of retirement.

- (3) The county council shall, upon the appointment of three trustees to any high school board or board of education determine the order of their retirement.

Retirement upon repeal of motion under subs. 1.

- (4) Upon the repeal of any motion passed under subsection 1, the county council may determine the time at which each of the trustees appointed by it shall retire, provided that in such case no trustee shall hold office for a longer period than the term of his appointment.

Rev. Stat., c. 360, s. 26, subs. 1, amended.

8. Subsection 1 of section 26 of *The High Schools Act* is amended by inserting after the word "institute" in the third line the words "continuation school," so that the said subsection shall now read as follows:

Providing for scholars' attendance at other high schools.

- (1) With the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Rev. Stat., c. 360, amended.

9. *The High Schools Act* is amended by adding thereto the following section:

Resident pupil, county pupil, who to be deemed.

- 34a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a school in the high school district in which he resides, he shall be deemed to be a resident pupil and if he is attending a school outside the high school district in which he resides, he shall be deemed to be a county pupil.

Rev. Stat., c. 360, s. 36, subs. 1, cl. c, amended.

10. — (1) Clause *c* of subsection 1 of section 36 of *The High Schools Act* is amended by inserting after the word "for" in the seventh line the words "permanent improvements," so that the said clause shall now read as follows:

Cost of education of county pupils in high school district, — how calculated.

- (c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b* and in addition thereto there shall be

SECTION 8. The subsection, which provides for instruction being given at a high school, collegiate institute or vocational school outside a high school district where a course is not offered within the district, is extended to include continuation schools as well.

SECTION 9. Where any pupil falls within the definition of both "resident pupil" and "county pupil," the section prescribes in what cases he shall be deemed resident pupil and in what cases he shall be deemed a county pupil.

SECTION 10.—(1) The amendment permits the cost of permanent improvements which have to be provided out of taxation to be treated in the same manner as that part of the expenditures for sinking fund or principal and interest upon debentures which have to be provided out of taxation, in calculating the cost of education of county pupils.

deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for permanent improvements, sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated.

Rev. Stat.,
c. 360, s. 36,
subs. 2,
(1938, c. 35,
s. 19 (3)),
re-enacted.

(2) Subsection 2 of the said section 36, as re-enacted by subsection 3 of section 19 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

County
pupils
attending
high school
in city or
town.

Rev. Stat.,
c. 359.

(2) Where county pupils and resident pupils as defined by this Act and resident pupils as defined by *The Continuation Schools Act* are attending a high school in a city or town situate in such county but separated therefrom for municipal purposes, or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county and resident pupils on the same terms as high schools in municipalities not separated from the county,—

- (a) the cost of education to be paid respectively by the council of the county of which they are county pupils, and the high school district of which they are resident pupils, and the grade A or grade B continuation school section of which they are resident pupils shall be calculated and ascertained in the same manner as is provided in subsection 1;
- (b) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school section in which any resident pupils reside that such high school will no longer be open to such county and resident pupils and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of one school year after the 30th day of June in such year.

SECTION 10.—(2) The amendment provides that where notice has been given by the board of a high school permitting the attendance at such high school of pupils who otherwise would not be entitled to attend, the effect of such notice may be cancelled upon proper notice being given.

Rev. Stat.,
c. 360, s. 38,
subs. 2,
amended.

11.—(1) Subsection 2 of section 38 of *The High Schools Act* is amended by adding at the commencement thereof the words "Subject to the provisions of subsection 3."

Rev. Stat.,
c. 360, s. 38,
amended.

(2) The said section 38 is further amended by adding thereto the following subsection:

Cost of
education
of county
pupils.

- (3) The council of a county may, during the first year of the inclusion of any municipality or portion of a municipality located in such county which is included in a high school district or a continuation school section in which a grade A or grade B continuation school section is established and maintained, levy a portion of the cost of such education against the whole rateable property in any such municipality or portion of a municipality in the same manner as though such municipality or portion of a municipality were not included in any such high school district or continuation school section; provided the levy made during such year is for the purposes of paying that part of the cost of education of county pupils during the preceding year.

Rev. Stat.,
c. 360,
amended.

12. *The High Schools Act* is amended by adding thereto the following section:

Informa-
tion to
be furnished
to clerk.

38b. The board of a high school district shall not be entitled to collect from a county the cost of education of any county pupil until the board has furnished to the clerk of the county,—

- (a) a statement showing the average assessment of ratepayers in the high school district in which the school is situate; and
- (b) a statement signed by a parent or guardian showing whether or not such parent or guardian is assessed within the high school district in which the high school is situate and if so assessed the amount of such assessment.

Rev. Stat.,
c. 360, s. 40,
amended.

13. Section 40 of *The High Schools Act* is amended by inserting after the symbol and figures "\$500" in the fifth line the words "chargeable to the general county levy," so that the said section shall now read as follows:

County
grant to
agricultural
department.

40. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year,

SECTION 11.—(1), (2) Where a municipality is included in a high school district or a continuation school section, the county council may, during the first year of such inclusion, levy a proper portion of school taxes in respect of the cost of education of county pupils during the preceding year, against the whole rateable property in such municipality.

SECTION 12. This provision requires the board of a high school district to furnish certain information regarding county pupils to the clerk of the county to which they belong.

SECTION 13. The amendment removes doubt as to the manner of raising the sum of \$500 which is to be paid to the board of a school in which an agricultural department is established.

pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department.

Rev. Stat.,
c. 357, s. 15,
amended.

14.—(1) Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

Inclusion of
union school
section
within
township
school area.

(1a) The council of a township shall have the power to include a union school section within a township school area when the school building of the union school section is in the portion of the union lying within the township, and providing also the council of each township containing any remaining portion of the union school section passes a resolution giving its assent; and where the union school section is so included in the township school area all parts of the union shall be regarded as a part of the township for all public school purposes.

Rev. Stat.,
c. 357, s. 15,
amended.

(2) The said section 15 is further amended by adding thereto the following subsection:

Powers of
board of
township
school
area.

(7b) The board of the township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of vacancies on the board, the application to the municipal council for the issue of debentures and other matters of an incidental or similar nature.

Rev. Stat.,
c. 367, s. 8,
subs. 5,
re-enacted.

15. Subsection 5 of section 8 of *The School Attendance Act* is repealed and the following substituted therefor:

In unsurveyed or
unorganized
territory.

(5) A board of public school trustees or separate school trustees in unsurveyed territory or territory without municipal organization shall appoint one or more school attendance officers.

In any
school
having five
teachers
or more.

(5a) A board of public school trustees or separate school trustees for any school in which not fewer than five teachers are employed may appoint one or more school attendance officers.

Rev. Stat.,
c. 369, s. 13,
subs. 3,
amended.

16. Subsection 3 of section 13 of *The Vocational Education Act* is amended by striking out the word and figures "section 36" in the fourth line and inserting in lieu thereof the words, figures and letter "sections 36 and 38b," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows:

SECTION 14.—(1) The proposed subsection 1a makes provision for the inclusion of a union school section in a township school area.

SECTION 14.—(2) (The proposed subsection 7b) The powers of the board of a township school area as to the acquisition of school sites, filling of vacancies on the board and applications to the municipal council for the issue of debentures are clarified.

SECTION 15. The amendment makes it obligatory for a board of public or separate school trustees in unsurveyed territory or territory without municipal organization to appoint one or more school attendance officers and retains the provision which permits such officers to be appointed for any public or separate school in which not fewer than five teachers are employed.

SECTION 16. This amendment incorporates the provisions of section 38b of *The High Schools Act* into subsection 3 of section 13 of *The Vocational Education Act* by a reference thereto. Section 38b of *The High Schools Act* is enacted by section 12 of this Bill.

Cost of
education
of county
pupils.

- (3) The cost of education of county pupils to be paid by the council of a county shall be calculated, ascertained and paid in the same manner, *mutatis mutandis*, as is provided in subsections 2, 3, 4, 5 and 6 of section 35 and sections 36 and 38*b* of *The High Schools Act* and as part of the county rates shall be levied in the following manner,—

Rev. Stat.,
c. 360.

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Commence-
ment of
ss. 1 and 7;

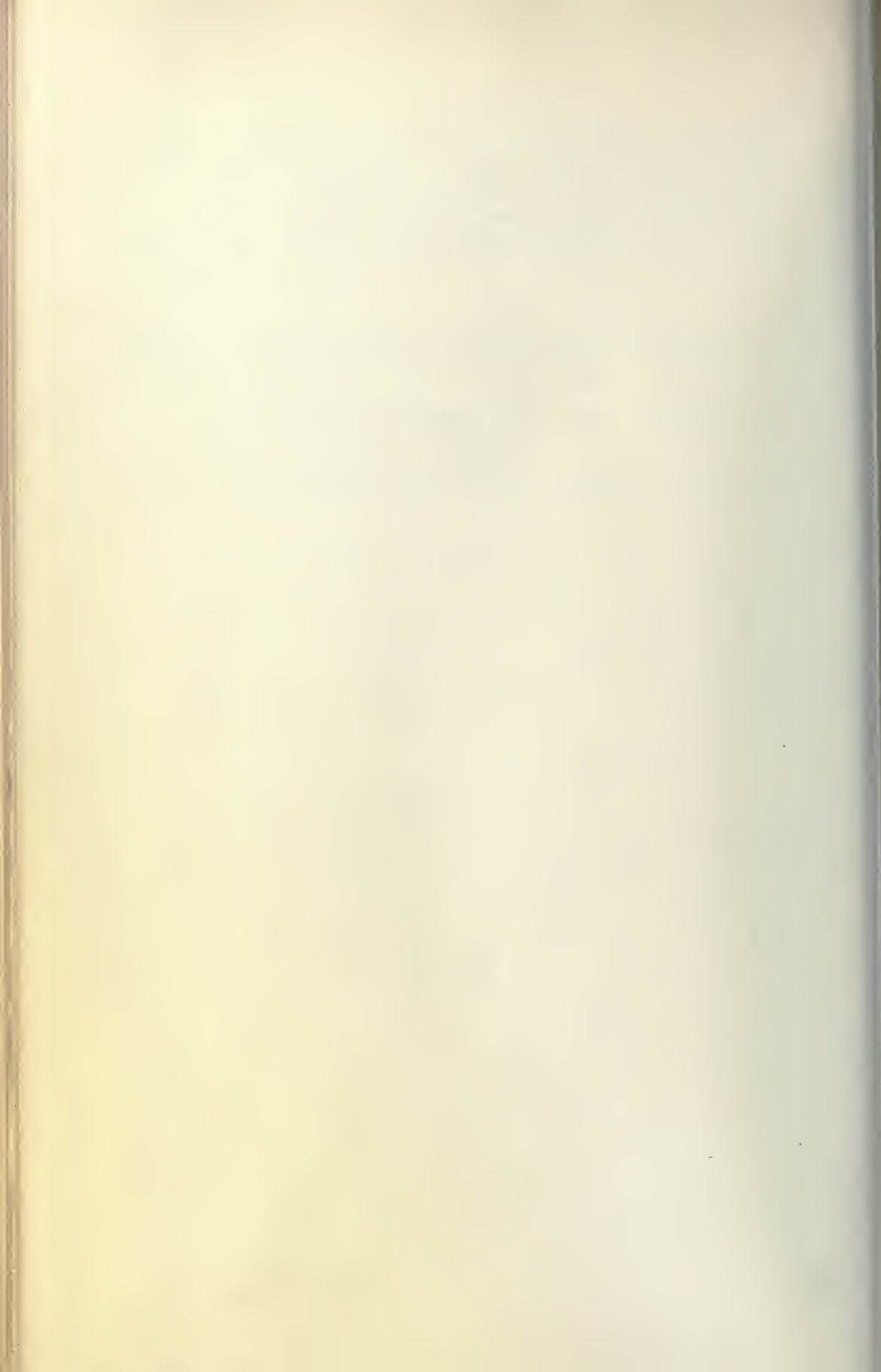
17.—(1) Sections 1 and 7 of this Act shall be deemed to have been in force from the 1st day of January, 1939.

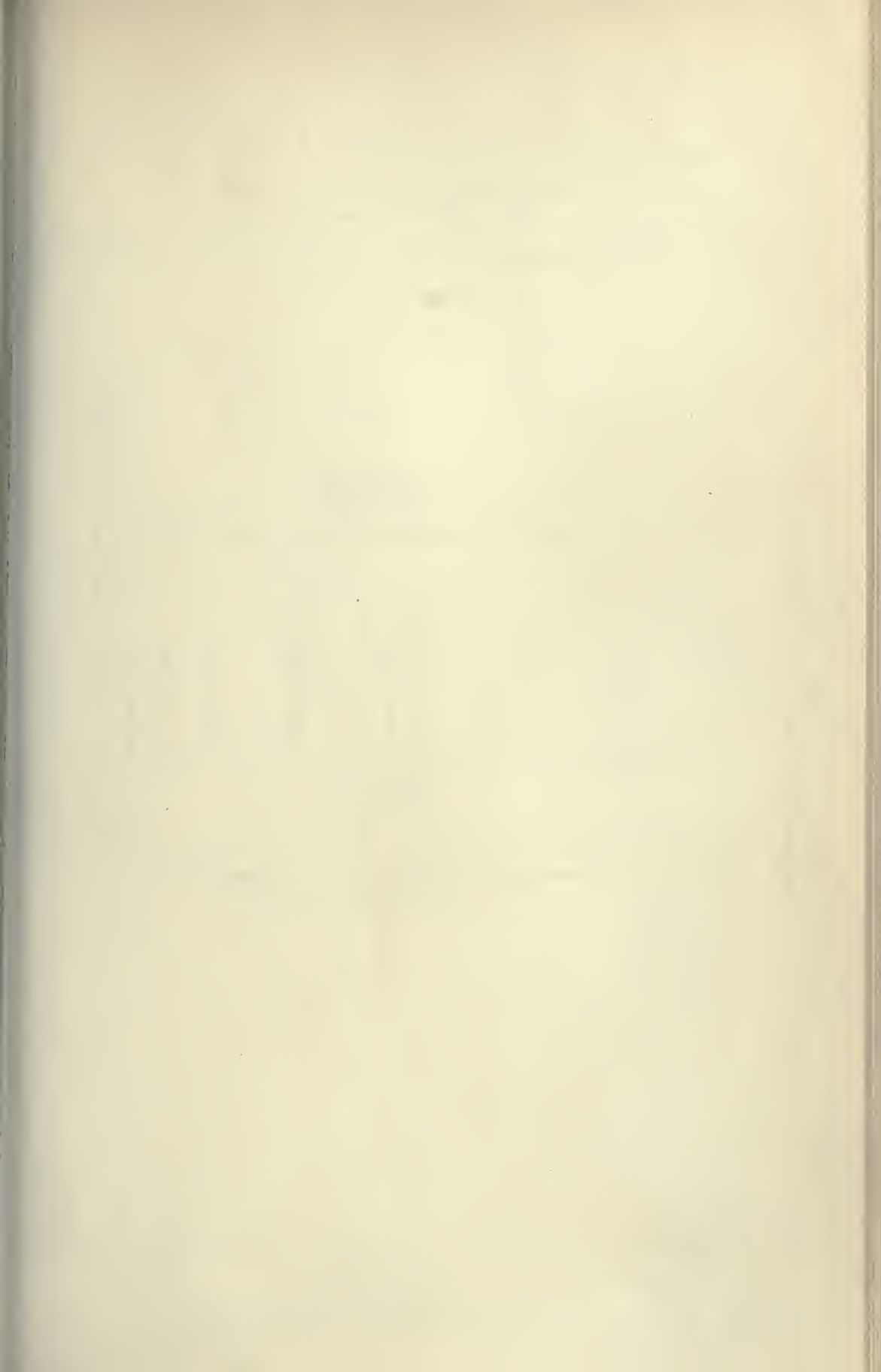
s. 11.

(2) Section 11 of this Act shall be deemed to have been in force from the 1st day of January, 1937.

Short title.

18. This Act may be cited at *The School Law Amendment Act, 1939*.





BILL

The School Law Amendment Act, 1939

1st Reading

April 14th, 1939

2nd Reading

3rd Reading

MR. SIMPSON

No. 83

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The School Law Amendment Act, 1939.

MR. SIMPSON

*(Showing amendments to be submitted to the Committee
of the Whole House.)*

BILL

The School Law Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 361, s. 3,
subs. 1, cl. e,
amended.

1. Clause *e* of subsection 1 of section 3 of *The Boards of Education Act* as amended by section 2 of *The School Law Amendment Act, 1938*, is further amended by striking out the words "one additional member" in the amendment of 1938 and inserting in lieu thereof the words "an additional member or additional members," so that the first two lines of the subsection and clause *e* shall now read as follows:

Composi-
tion of
municipal
boards.

- (1) Except as hereinafter provided every municipal board shall be composed as follows:

.

- (e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2, may appoint an additional member or additional members of the board, as authorized by *The High Schools Act*.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 359, s. 1,
cl. b, re-
enacted.

2. Clause *b* of section 1 of *The Continuation Schools Act* as amended by subsection 1 of section 3 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

"County
pupils."

- (b) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within a high school district or within a town, village or school section in which a grade A or grade B continuation school is established or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside

EXPLANATORY NOTES.

SECTION 1. This amendment is complementary to the provision of this Bill which enacts section 13a of *The High Schools Act*.

SECTION 2. The clause as re-enacted is substantially the same as formerly but the meaning is clarified.

in municipalities or parts of municipalities in part of a county which is not included in a grade A or grade B continuation school section or high school district.

Rev. Stat.,
c. 359, s. 3,
amended.

3.—(1) Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

When con-
tinuation
school to
be deemed
public
school.

Rev. Stat.,
c. 357.

- (6a) For the purposes of subsections 1 and 2 of section 112 of *The Public Schools Act* a grade A or grade B continuation school shall be deemed to be a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers in any such school, nor shall any such grant be paid to any grade A or grade B continuation school in a continuation school section in which the amount paid for salaries of continuation school teachers amounts to less than eight mills on the tax rate.

Rev. Stat.,
c. 359, s. 3,
amended.

(2) The said section 3 is further amended by adding thereto the following subsections:

Election of
trustees.

- (11) Where a school section in which a continuation school has been established under subsection 1, or part thereof, becomes part of a township school area, trustees shall continue to be elected for the purposes of such continuation school in the same manner as though such school section had not been included in the township school area.

Management
committee,
—how
constituted.

- (12) Where a school section in which a continuation school has been established under subsection 3, or part thereof, becomes part of a township school area, the committee referred to in subsection 4 shall consist of three members to be elected by the rate-payers of the school section in which the school is situate, two members to be appointed by the board of the township school area and not more than two-thirds of the members of any board which has jurisdiction over a public school which is outside the township school area but within the continuation school section.

Rev. Stat.,
c. 359,
amended.

4. *The Continuation Schools Act* is amended by adding thereto the following section:

Resident
pupil,
county
pupil,
who to be
deemed.

- 7a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a

SECTION 3.—(1) The section regulates township grants to grade A and grade B continuation schools.

SECTION 3.—(2) The subsections provide for the manner of administering continuation schools within a township school area.

SECTION 4. Where any pupil falls within the definition of both "resident pupil" and "county pupil," the section prescribes in what cases he shall be deemed a resident pupil and in what cases he shall be deemed a county pupil.

school in the continuation school section in which he resides, he shall be deemed to be a resident pupil and if he is attending a school outside the continuation school section in which he resides, he shall be deemed to be a county pupil.

Rev. Stat.,
c. 359, s. 8,
subs. 1,
amended.

5. Subsection 1 of section 8 of *The Continuation Schools Act* is amended by striking out the word and figures "and 38" in the fifth line and inserting in lieu thereof the figures, word and letters "38, 38a and 38b," so that the said subsection shall now read as follows:

Cost of
education
of county
pupils.

- (1) The cost of education of county pupils attending grade A and grade B continuation schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 35, 36, 37, 38, 38a and 38b of *The High Schools Act*.

Rev. Stat.,
c. 360.



Rev. Stat.,
c. 359, s. 9,
subs. 4a,
(1938, c. 35,
s. 7)
amended.

5a. Subsection 4a of section 9 of *The Continuation Schools Act* as enacted by section 7 of *The School Law Amendment Act, 1938*, is amended by inserting after the symbol and figures \$500 in the seventh line the words "chargeable to the general county levy," so that the said subsection shall now read as follows:

Grant for
agricultural
department.

- (4a) Where an agricultural department is established by the Minister in a grade A continuation school the council of the county in which the grade A continuation school is situate shall on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department.



Rev. Stat.,
c. 360, s. 1,
subs. 1,
cl. c, re-
enacted.

6. Clause c of subsection 1 of section 1 of *The High Schools Act*, as amended by subsection 1 of section 10 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

"County
pupils."

- (c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within the limits of a high school district, or grade A or grade B continuation school section, or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities in part of a county which is not included in a high school district or grade A or grade B continuation school section.

SECTION 5. Certain of the provisions of *The High Schools Act* are incorporated in *The Continuation Schools Act* by reference. This amendment incorporates two other sections in the same way. One of such sections was enacted in 1938 and one is enacted by this Bill.



SECTION 5a. This amendment removes doubt as to the manner of raising the sum of \$500 which is to be paid to the board of a grade A continuation school in which an agricultural department is established.



SECTION 6. The clause as re-enacted is substantially the same as formerly but the meaning is clarified.

Rev. Stat.,
c. 360, s. 13,
subs. 1,
amended.

7.—(1) Subsection 1 of section 13 of *The High Schools Act*, as amended by subsection 1 of section 14 of *The School Law Amendment Act, 1938*, is further amended by adding at the commencement thereof the words "Subject to the provisions of section 13a."

Rev. Stat.,
c. 360,
amended.

(2) *The High Schools Act* is amended by adding thereto the following section:

Appoint-
ment of
trustees
by county
council.

13a.—(1) Where a majority of the members of a high school board or board of education are in favour of the appointment of three trustees by the county council, as indicated by a motion duly carried, the county council may appoint three trustees to such board, one of whom may reside in the county outside the district.

Retirement.

(2) Where a county council appoints three trustees to a high school board or a board of education, one of such trustees shall retire each year.

Order of
retirement.

(3) The county council shall, upon the appointment of three trustees to any high school board or board of education determine the order of their retirement.

Retirement
upon repeal
of motion
under
subs. 1.

(4) Upon the repeal of any motion passed under subsection 1, the county council may determine the time at which each of the trustees appointed by it shall retire, provided that in such case no trustee shall hold office for a longer period than the term of his appointment.

Rev. Stat.,
c. 360, s. 26,
subs. 1,
amended.

8. Subsection 1 of section 26 of *The High Schools Act* is amended by inserting after the word "institute" in the third line the words "continuation school," so that the said subsection shall now read as follows:

Providing
for
scholars'
attendance
at other
high
schools.

(1) With the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Rev. Stat.,
c. 360,
amended.

9. *The High Schools Act* is amended by adding thereto the following section:

SECTION 7.—(1), (2) These amendments provide that although the Act now permits only one trustee to be appointed by the county council to a high school board or board of education, the county council may instead appoint three trustees provided a motion to that effect has been carried by the board in question.

SECTION 8. The subsection, which provides for instruction being given at a high school, collegiate institute or vocational school outside a high school district where a course is not offered within the district, is extended to include continuation schools as well.

SECTION 9. Where any pupil falls within the definition of both "resident pupil" and "county pupil," the section prescribes in what cases he shall be deemed resident pupil and in what cases he shall be deemed a county pupil.

Resident
pupil,
county
pupil,
who to be
deemed.

34a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a school in the high school district in which he resides, he shall be deemed to be a resident pupil and if he is attending a school outside the high school district in which he resides, he shall be deemed to be a county pupil.



Rev. Stat.,
c. 360, s. 35,
subs. 2,
amended.

9a.—(1) Subsection 2 of section 35 of *The High Schools Act* is amended by striking out the word "ascertained" in the second line and inserting in lieu thereof the word "determined," and by striking out all the words after the word "year" in the fourth line and inserting in lieu thereof the words "and may be levied and paid in any year in respect of the cost of the current calendar year or the preceding calendar year," so that the said subsection shall now read as follows:

Amount
payable by
county.

(2) The cost of education of county pupils to be paid by the council of the county may be determined either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be levied and paid in any year in respect of the cost of the current calendar year or the preceding calendar year.

Rev. Stat.,
c. 360, s. 35,
subs. 3,
amended.

(2) Subsection 3 of the said section 35 is amended by striking out the words "Where in any year the cost is ascertained on the basis of" in the first and second lines and inserting in lieu thereof the words "Where in any year the amount levied is for," so that the said subsection shall now read as follows:

When
payable.

(3) Where in any year the amount levied is for the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be included in and levied and collected as part of the county rates for that year.

Rev. Stat.,
c. 360, s. 35,
subs. 4,
amended.

(3) Subsection 4 of the said section 35 is amended by striking out all the words down to and including the word "same" in the third line and inserting in lieu thereof the words "Where the council of a county provides in its estimates for the cost of education of county pupils for the current calendar year, the amount thereof," so that the said subsection shall now read as follows:


To be levied
and collected
as part of
county rate.

(4) Where the council of a county provides in its estimates for the cost of education of county pupils for the current calendar year, the amount thereof shall be included in and levied and collected as part



SECTION 9a. The amendment clarifies the meaning of subsection 2 of section 35 by removing doubt as to the power to levy and pay the cost of education in any year in respect of the preceding year. It is doubtful whether the present provision goes further than to provide the means of determining the amount of the cost.



of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act, but not later than the 1st day of July of the succeeding year. 

Rev. Stat.,
c. 360, s. 36,
subs. 1, cl.
amended.

10.—(1) Clause *c* of subsection 1 of section 36 of *The High Schools Act* is amended by inserting after the word "for" in the seventh line the words "permanent improvements," so that the said clause shall now read as follows:

Cost of
education
of county
pupils in
high school
district,—
how cal-
culated.

- (*c*) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b* and in addition thereto there shall be deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for permanent improvements, sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated.

Rev. Stat.,
c. 360, s. 36,
subs. 2,
(1938, c. 35,
s. 19 (3)),
re-enacted.

(2) Subsection 2 of the said section 36, as re-enacted by subsection 3 of section 19 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

County
pupils
attending
high school
in city or
town.

Rev. Stat.,
c. 359.

- (2) Where county pupils and resident pupils as defined by this Act and resident pupils as defined by *The Continuation Schools Act* are attending a high school in a city or town situate in such county but separated therefrom for municipal purposes, or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county and resident pupils on the same terms as high schools in municipalities not separated from the county,—

- (*a*) the cost of education to be paid respectively by the council of the county of which they are county pupils, and the high school district of which they are resident pupils, and the grade A or grade B continuation school section of which they are resident pupils shall be calculated and ascertained in the same manner as is provided in subsection 1;

SECTION 10.—(1) The amendment permits the cost of permanent improvements which have to be provided out of taxation to be treated in the same manner as that part of the expenditures for sinking fund or principal and interest upon debentures which have to be provided out of taxation, in calculating the cost of education of county pupils.

SECTION 10.—(2) The amendment provides that where notice has been given by the board of a high school permitting the attendance at such high school of pupils who otherwise would not be entitled to attend, the effect of such notice may be cancelled upon proper notice being given.

- (b) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school section in which any resident pupils reside that such high school will no longer be open to such county and resident pupils and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of one school year after the 30th day of June in such year.

Rev. Stat.,
c. 360, s. 38,
subs. 2,
amended.

11.—(1) Subsection 2 of section 38 of *The High Schools Act* is amended by adding at the commencement thereof the words "Subject to the provisions of subsection 3."

Rev. Stat.,
c. 360, s. 38,
amended.

(2) The said section 38 is further amended by adding thereto the following subsection:

Cost of
education
of county
pupils.

- (3) The council of a county may, during the first year of the inclusion of any municipality or portion of a municipality located in such county which is included in a high school district or a continuation school section in which a grade A or grade B continuation school section is established and maintained, levy a portion of the cost of such education against the whole rateable property in any such municipality or portion of a municipality in the same manner as though such municipality or portion of a municipality were not included in any such high school district or continuation school section; provided the levy made during such year is for the purposes of paying that part of the cost of education of county pupils which is owing in respect of the preceding year.

Rev. Stat.,
c. 360,
amended.

12. *The High Schools Act* is amended by adding thereto the following section:

Informa-
tion to
be furnished
to clerk.

38b. The board of a high school district shall not be entitled to collect from a county the cost of education of any county pupil until the board has furnished to the clerk of the county,—

- (a) a statement showing the average assessment of ratepayers in the high school district in which the school is situate; and

SECTION 11.—(1), (2) Where a municipality is included in a high school district or a continuation school section, the county council may, during the first year of such inclusion, levy a proper portion of school taxes in respect of the cost of education of county pupils during the preceding year, against the whole rateable property in such municipality.

SECTION 12. This provision requires the board of a high school district to furnish certain information regarding county pupils to the clerk of the county to which they belong.

- (b) a statement signed by a parent or guardian showing whether or not such parent or guardian is assessed within the high school district in which the high school is situate and if so assessed the amount of such assessment.

Rev. Stat.,
c. 360, s. 40,
amended.

13. Section 40 of *The High Schools Act* is amended by inserting after the symbol and figures "\$500" in the fifth line the words "chargeable to the general county levy," so that the said section shall now read as follows:

County
grant to
agricultural
department.

40. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department.

Rev. Stat.,
c. 357, s. 15,
amended.

14.—(1) Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

Inclusion of
union school
section
within
township
school area.

- (1a) The council of a township shall have the power to include a union school section within a township school area when the school building of the union school section is in the portion of the union lying within the township, and providing also the council of each township containing any remaining portion of the union school section passes a resolution giving its assent; and where the union school section is so included in the township school area all parts of the union shall be regarded as a part of the township for all public school purposes.

Rev. Stat.,
c. 357, s. 15,
amended.

(2) The said section 15 is further amended by adding thereto the following subsection:

Powers of
board of
township
school
area.

- (7b) The board of the township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of vacancies on the board, the application to the municipal council for the issue of debentures and other matters of an incidental or similar nature.

Rev. Stat.,
c. 367, s. 8,
subs. 5,
re-enacted.

15. Subsection 5 of section 8 of *The School Attendance Act* is repealed and the following substituted therefor:

SECTION 13. The amendment removes doubt as to the manner of raising the sum of \$500 which is to be paid to the board of a school in which an agricultural department is established.

SECTION 14.—(1) The proposed subsection 1a makes provision for the inclusion of a union school section in a township school area.

SECTION 14.—(2) (The proposed subsection 7b) The powers of the board of a township school area as to the acquisition of school sites, filling of vacancies on the board and applications to the municipal council for the issue of debentures are clarified.

SECTION 15. The amendment makes it obligatory for a board of public or separate school trustees in unsurveyed territory or territory without municipal organization to appoint one or more school attendance officers and retains the provision which permits such officers to be appointed for any public or separate school in which not fewer than five teachers are employed.

In unsurveyed or unorganized territory.

- (5) A board of public school trustees or separate school trustees in unsurveyed territory or territory without municipal organization shall appoint one or more school attendance officers.

In any school having five teachers or more.

- (5a) A board of public school trustees or separate school trustees for any school in which not fewer than five teachers are employed may appoint one or more school attendance officers.

Rev. Stat., c. 369, s. 13, subs. 3, amended.

- 16.** Subsection 3 of section 13 of *The Vocational Education Act* is amended by striking out the word and figures "section 36" in the fourth line and inserting in lieu thereof the words, figures and letter "sections 36 and 38b," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows:

Cost of education of county pupils.

- (3) The cost of education of county pupils to be paid by the council of a county shall be calculated, ascertained and paid in the same manner, *mutatis mutandis*, as is provided in subsections 2, 3, 4, 5 and 6 of section 35 and sections 36 and 38b of *The High Schools Act* and as part of the county rates shall be levied in the following manner,—

Rev. Stat., c. 360.

.

Commencement of ss. 1 and 7;

- 17.**—(1) Sections 1 and 7 of this Act shall be deemed to have been in force from the 1st day of January, 1939.

Ss. 9a and 11.

- (2) Sections 9a and 11 of this Act shall be deemed to have been in force from the 1st day of January, 1937.

Short title.

- 18.** This Act may be cited at *The School Law Amendment Act, 1939.*

SECTION 16. This amendment incorporates the provisions of section 38b of *The High Schools Act* into subsection 3 of section 13 of *The Vocational Education Act* by a reference thereto. Section 38b of *The High Schools Act* is enacted by section 12 of this Bill.

BILL

The School Law Amendment Act, 1939

1st Reading

April 14th, 1939

2nd Reading

April 17th, 1939

3rd Reading

MR. SIMPSON

(*Showing amendments to be submitted to the
Committee of the Whole House.*)

No. 83

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The School Law Amendment Act, 1939.

MR. SIMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The School Law Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 361, s. 3,
subs. 1, cl. e,
amended.

1. Clause *e* of subsection 1 of section 3 of *The Boards of Education Act* as amended by section 2 of *The School Law Amendment Act, 1938*, is further amended by striking out the words "one additional member" in the amendment of 1938 and inserting in lieu thereof the words "an additional member or additional members," so that the first two lines of the subsection and clause *e* shall now read as follows:

Composi-
tion of
municipal
boards.

(1) Except as hereinafter provided every municipal board shall be composed as follows:

.

(e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2, may appoint an additional member or additional members of the board, as authorized by *The High Schools Act*.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 359, s. 1,
cl. b, re-
enacted.

2. Clause *b* of section 1 of *The Continuation Schools Act* as amended by subsection 1 of section 3 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

"County
pupils."

(b) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within a high school district or within a town, village or school section in which a grade A or grade B continuation school is established or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside

in municipalities or parts of municipalities in part of a county which is not included in a grade A or grade B continuation school section or high school district.

3.—(1) Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsection: Rev. Stat., c. 359, s. 3, amended.

(6a) For the purposes of subsections 1 and 2 of section 112 of *The Public Schools Act* a grade A or grade B continuation school shall be deemed to be a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers in any such school, nor shall any such grant be paid to any grade A or grade B continuation school in a continuation school section in which the amount paid for salaries of continuation school teachers amounts to less than eight mills on the tax rate. When continuation school to be deemed public school. Rev. Stat., c. 357.

(2) The said section 3 is further amended by adding thereto the following subsections: Rev. Stat., c. 359, s. 3, amended.

(11) Where a school section in which a continuation school has been established under subsection 1, or part thereof, becomes part of a township school area, trustees shall continue to be elected for the purposes of such continuation school in the same manner as though such school section had not been included in the township school area. Election of trustees.

(12) Where a school section in which a continuation school has been established under subsection 3, or part thereof, becomes part of a township school area, the committee referred to in subsection 4 shall consist of three members to be elected by the rate-payers of the school section in which the school is situate, two members to be appointed by the board of the township school area and not more than two-thirds of the members of any board which has jurisdiction over a public school which is outside the township school area but within the continuation school section. Management committee, —how constituted.

4. *The Continuation Schools Act* is amended by adding thereto the following section: Rev. Stat., c. 359, amended.

7a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a Resident pupil, county pupil, who to be deemed.

school in the continuation school section in which he resides, he shall be deemed to be a resident pupil and if he is attending a school outside the continuation school section in which he resides, he shall be deemed to be a county pupil.

Rev. Stat.,
c. 359, s. 8,
subs. 1,
amended.

5. Subsection 1 of section 8 of *The Continuation Schools Act* is amended by striking out the word and figures "and 38" in the fifth line and inserting in lieu thereof the figures, word and letters "38, 38a and 38b," so that the said subsection shall now read as follows:

Cost of
education
of county
pupils.

- (1) The cost of education of county pupils attending grade A and grade B continuation schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 35, 36, 37, 38, 38a and 38b of *The High Schools Act*.

Rev. Stat.,
c. 360.

Rev. Stat.,
c. 359, s. 9,
subs. 4a,
(1938, c. 35,
s. 7)
amended.

6. Subsection 4a of section 9 of *The Continuation Schools Act* as enacted by section 7 of *The School Law Amendment Act, 1938*, is amended by inserting after the symbol and figures "\$500" in the seventh line the words "chargeable to the general county levy," so that the said subsection shall now read as follows:

Grant for
agricultural
department

- (4a) Where an agricultural department is established by the Minister in a grade A continuation school the council of the county in which the grade A continuation school is situate shall on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department.

Rev. Stat.,
c. 360, s. 1,
subs. 1,
cl. c, re-
enacted.

7. Clause c of subsection 1 of section 1 of *The High Schools Act*, as amended by subsection 1 of section 10 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

"County
pupils."

- (c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within the limits of a high school district, or grade A or grade B continuation school section, or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities in part of a county which is not included in a high school district or grade A or grade B continuation school section.

8.—(1) Subsection 1 of section 13 of *The High Schools Act*, as amended by subsection 1 of section 14 of *The School Law Amendment Act, 1938*, is further amended by adding at the commencement thereof the words "Subject to the provisions of section 13a."
Rev. Stat., c. 360, s. 13, subs. 1, amended.

(2) *The High Schools Act* is amended by adding thereto the following section:
Rev. Stat., c. 360, amended.

13a.—(1) Where a majority of the members of a high school board or board of education are in favour of the appointment of three trustees by the county council, as indicated by a motion duly carried, the county council may appoint three trustees to such board, one of whom may reside in the county outside the district.
Appointment of trustees by county council.

(2) Where a county council appoints three trustees to a high school board or a board of education, one of such trustees shall retire each year.
Retirement.

(3) The county council shall, upon the appointment of three trustees to any high school board or board of education determine the order of their retirement.
Order of retirement.

(4) Upon the repeal of any motion passed under subsection 1, the county council may determine the time at which each of the trustees appointed by it shall retire, provided that in such case no trustee shall hold office for a longer period than the term of his appointment.
Retirement upon repeal of motion under subs. 1.

9. Subsection 1 of section 26 of *The High Schools Act* is amended by inserting after the word "institute" in the third line the words "continuation school," so that the said subsection shall now read as follows:
Rev. Stat., c. 360, s. 26, subs. 1, amended.

(1) With the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.
Providing for scholars' attendance at other high schools.

10. *The High Schools Act* is amended by adding thereto the following section:
Rev. Stat., c. 360, amended.

Resident
pupil,
county
pupil,
who to be
deemed.

- 34a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a school in the high school district in which he resides, he shall be deemed to be a resident pupil, and if he is attending a school outside the high school district in which he resides, he shall be deemed to be a county pupil.

Rev. Stat.,
c. 360, s. 35,
subs. 2,
amended.

11.—(1) Subsection 2 of section 35 of *The High Schools Act* is amended by striking out the word "ascertained" in the second line and inserting in lieu thereof the word "determined," and by striking out all the words after the word "year" in the fourth line and inserting in lieu thereof the words "and may be levied and paid in any year in respect of the cost of the current calendar year or the preceding calendar year," so that the said subsection shall now read as follows:

Amount
payable by
county.

- (2) The cost of education of county pupils to be paid by the council of the county may be determined either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be levied and paid in any year in respect of the cost of the current calendar year or the preceding calendar year.

Rev. Stat.,
c. 360, s. 35,
subs. 3,
amended.

(2) Subsection 3 of the said section 35 is amended by striking out the words "Where in any year the cost is ascertained on the basis of" in the first and second lines and inserting in lieu thereof the words "Where in any year the amount levied is for," so that the said subsection shall now read as follows:

When
payable.

- (3) Where in any year the amount levied is for the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be included in and levied and collected as part of the county rates for that year.

Rev. Stat.,
c. 360, s. 35,
subs. 4,
amended.

(3) Subsection 4 of the said section 35 is amended by striking out all the words down to and including the word "same" in the third line and inserting in lieu thereof the words "Where the council of a county provides in its estimates for the cost of education of county pupils for the current calendar year, the amount thereof," so that the said subsection shall now read as follows:

To be levied
and collected
as part of
county rate.

- (4) Where the council of a county provides in its estimates for the cost of education of county pupils for the current calendar year, the amount thereof shall be included in and levied and collected as part

of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act, but not later than the 1st day of July of the succeeding year.

12.—(1) Clause *c* of subsection 1 of section 36 of *The High Schools Act* is amended by inserting after the word "for" in the seventh line the words "permanent improvements," so that the said clause shall now read as follows:

Rev. Stat.,
c. 360, s. 36,
subs. 1, cl. *c*,
amended.

- (c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b* and in addition thereto there shall be deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for permanent improvements, sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated.

Cost of
education
of county
pupils in
high school
district,—
how cal-
culated.

(2) Subsection 2 of the said section 36, as re-enacted by subsection 3 of section 19 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 36,
subs. 2,
(1938, c. 35,
s. 19 (3)),
re-enacted.

- (2) Where county pupils and resident pupils as defined by this Act and resident pupils as defined by *The Continuation Schools Act* are attending a high school in a city or town situate in such county but separated therefrom for municipal purposes, or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county and resident pupils on the same terms as high schools in municipalities not separated from the county,—

County
pupils
attending
high school
in city or
town.

Rev. Stat.,
c. 359.

- (a) the cost of education to be paid respectively by the council of the county of which they are county pupils, and the high school district of which they are resident pupils, and the grade A or grade B continuation school section of which they are resident pupils shall be calculated and ascertained in the same manner as is provided in subsection 1;

- (b) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school section in which any resident pupils reside that such high school will no longer be open to such county and resident pupils and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of one school year after the 30th day of June in such year.

Rev. Stat.,
c. 360, s. 38,
subs. 2,
amended.

13.—(1) Subsection 2 of section 38 of *The High Schools Act* is amended by adding at the commencement thereof the words "Subject to the provisions of subsection 3."

Rev. Stat.,
c. 360, s. 38,
amended.

(2) The said section 38 is further amended by adding thereto the following subsection:

Cost of
education
of county
pupils.

- (3) The council of a county may, during the first or second year or both of the inclusion of any municipality or portion of a municipality located in such county which is included in a high school district or a continuation school section in which a grade A or grade B continuation school section is established and maintained, levy a portion of the cost of such education against the whole rateable property in any such municipality or portion of a municipality in the same manner as though such municipality or portion of a municipality were not included in any such high school district or continuation school section; provided the levy made during such year or years is for the purpose of paying that part of the cost of education of county pupils which is owing in respect of the preceding year.

Rev. Stat.,
c. 360,
amended.

14. *The High Schools Act* is amended by adding thereto the following section:

Informa-
tion to
be furnished
to clerk.

38b. The board of a high school district shall not be entitled to collect from a county the cost of education of any county pupil until the board has furnished to the clerk of the county,—

- (a) a statement showing the average assessment of ratepayers in the high school district in which the school is situate; and

- (b) a statement signed by a parent or guardian showing whether or not such parent or guardian is assessed within the high school district in which the high school is situate and if so assessed the amount of such assessment.

15. Section 40 of *The High Schools Act* is amended by inserting after the symbol and figures "\$500" in the fifth line the words "chargeable to the general county levy," so that the said section shall now read as follows:

Rev. Stat.,
c. 360, s. 40,
amended.

40. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department.

County
grant to
agricultural
department.

16.—(1) Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 357, s. 15,
amended.

- (1a) The council of a township shall have the power to include a union school section within a township school area when the school building of the union school section is in the portion of the union lying within the township, and providing also the council of each township containing any remaining portion of the union school section passes a resolution giving its assent; and where the union school section is so included in the township school area all parts of the union shall be regarded as a part of the township for all public school purposes.

Inclusion of
union school
section
within
township
school area.

(2) The said section 15 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 357, s. 15,
amended.

- (7b) The board of the township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of vacancies on the board, the application to the municipal council for the issue of debentures and other matters of an incidental or similar nature.

Powers of
board of
township
school
area.

17. Subsection 5 of section 8 of *The School Attendance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 367, s. 8,
subs. 5,
re-enacted.

In unsurveyed or unorganized territory.

- (5) A board of public school trustees or separate school trustees in unsurveyed territory or territory without municipal organization shall appoint one or more school attendance officers.

In any school having five teachers or more.

- (5a) A board of public school trustees or separate school trustees for any school in which not fewer than five teachers are employed may appoint one or more school attendance officers.

Rev. Stat., c. 369, s. 13, subs. 3, amended.

18. Subsection 3 of section 13 of *The Vocational Education Act* is amended by striking out the word and figures "section 36" in the fourth line and inserting in lieu thereof the words, figures and letter "sections 36 and 38b," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows:

Cost of education of county pupils.

- (3) The cost of education of county pupils to be paid by the council of a county shall be calculated, ascertained and paid in the same manner, *mutatis mutandis*, as is provided in subsections 2, 3, 4, 5 and 6 of section 35 and sections 36 and 38b of *The High Schools Act* and as part of the county rates shall be levied in the following manner,—

Rev. Stat., c. 360.

.

Commencement of ss. 1 and 8;

19.—(1) Sections 1 and 8 of this Act shall be deemed to have been in force from the 1st day of January, 1939.

Ss. 11 and 13.

(2) Sections 11 and 13 of this Act shall be deemed to have been in force from the 1st day of January, 1937.

BILL

The School Law Amendment Act, 1939

1st Reading

April 14th, 1939

2nd Reading

April 17th, 1939

3rd Reading

April 26th, 1939

MR. SIMPSON

No. 84

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Municipal Subsidy Act.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Subsidy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 273, s. 1,
re-enacted.

1. Section 1 of *The Municipal Subsidy Act* is repealed and the following substituted therefor:

Provincial
subsidy of
municipali-
ties for 1939.

1.—(1) In the year 1939 there shall be paid out of the Consolidated Revenue Fund by way of grant or subsidy to the municipal corporation of every city, town, village and township in Ontario a sum of money equal to that which would be produced from the levy by the council thereof of a rate of one and one-half mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for the year 1939 are levied.

Provision for
subsidy of
municipali-
ties in
future
years.

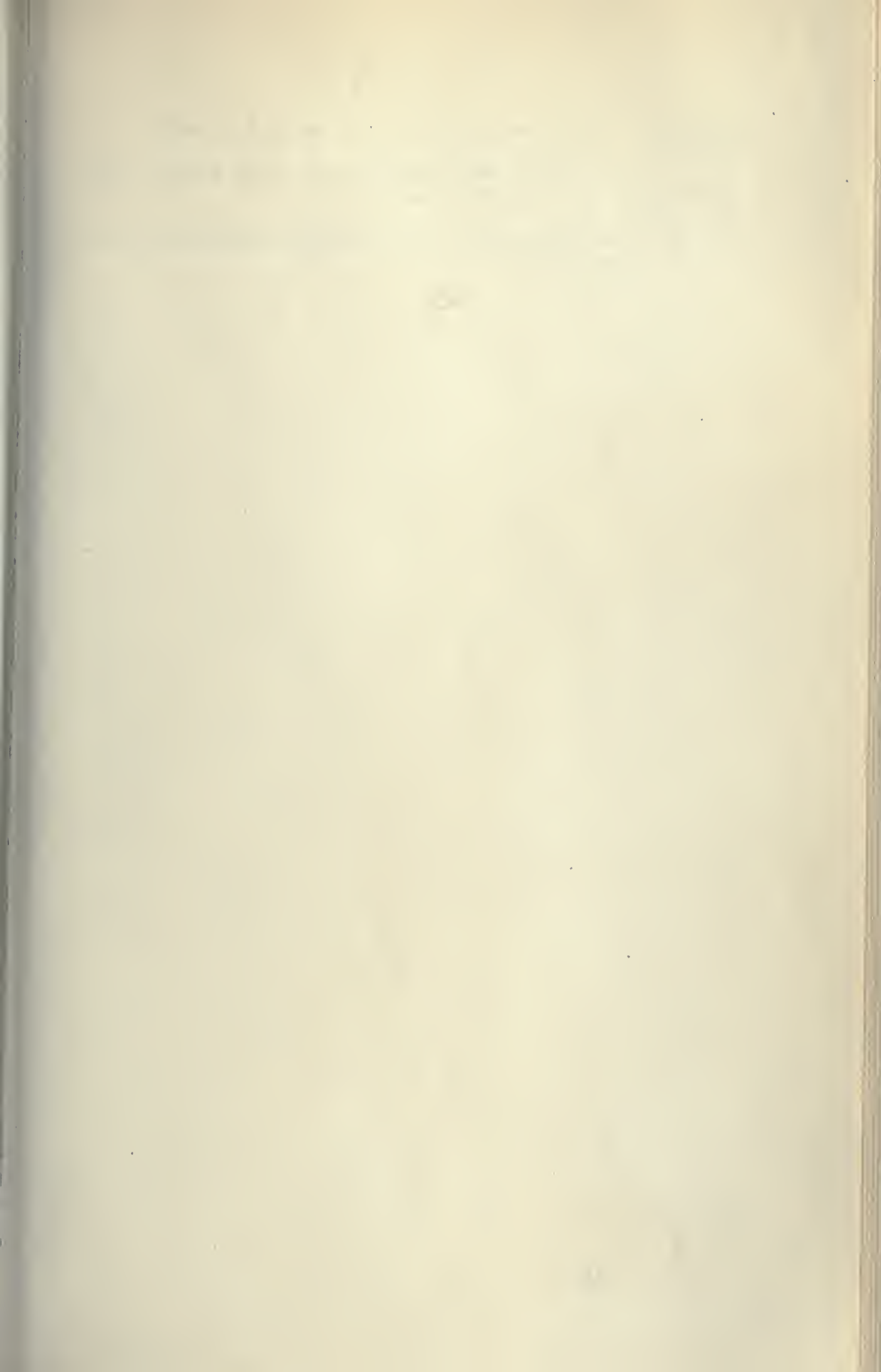
(2) In the year 1940 and thereafter the amount of such grant or subsidy which shall be paid out of the Consolidated Revenue Fund shall be determined by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 273, s. 2,
subs. 1,
amended.

2.—(1) Subsection 1 of section 2 of *The Municipal Subsidy Act* is amended by striking out the figures and words "1937 and in each year thereafter" in the fifth line and inserting in lieu thereof the words "in which such grant or subsidy is received," so that the said subsection shall now read as follows:

Application
of subsidy.

(1) The grant or subsidy to be paid to any municipal corporation under the authority of section 1 shall when received by it be applied by the council thereof solely for the purpose of reduction of the general municipal tax rate levied or to be levied for the year in which such grant or subsidy is received, so that the benefit of such grant or subsidy will accrue, directly, to the benefit of the ratepayers of the municipality, and the same shall not be applied or used by the council for any other purpose.



Rev. Stat.,
c. 273, s. 2,
subs. 2, re-
pealed.

(2) Subsection 2 of the said section 2 is repealed.

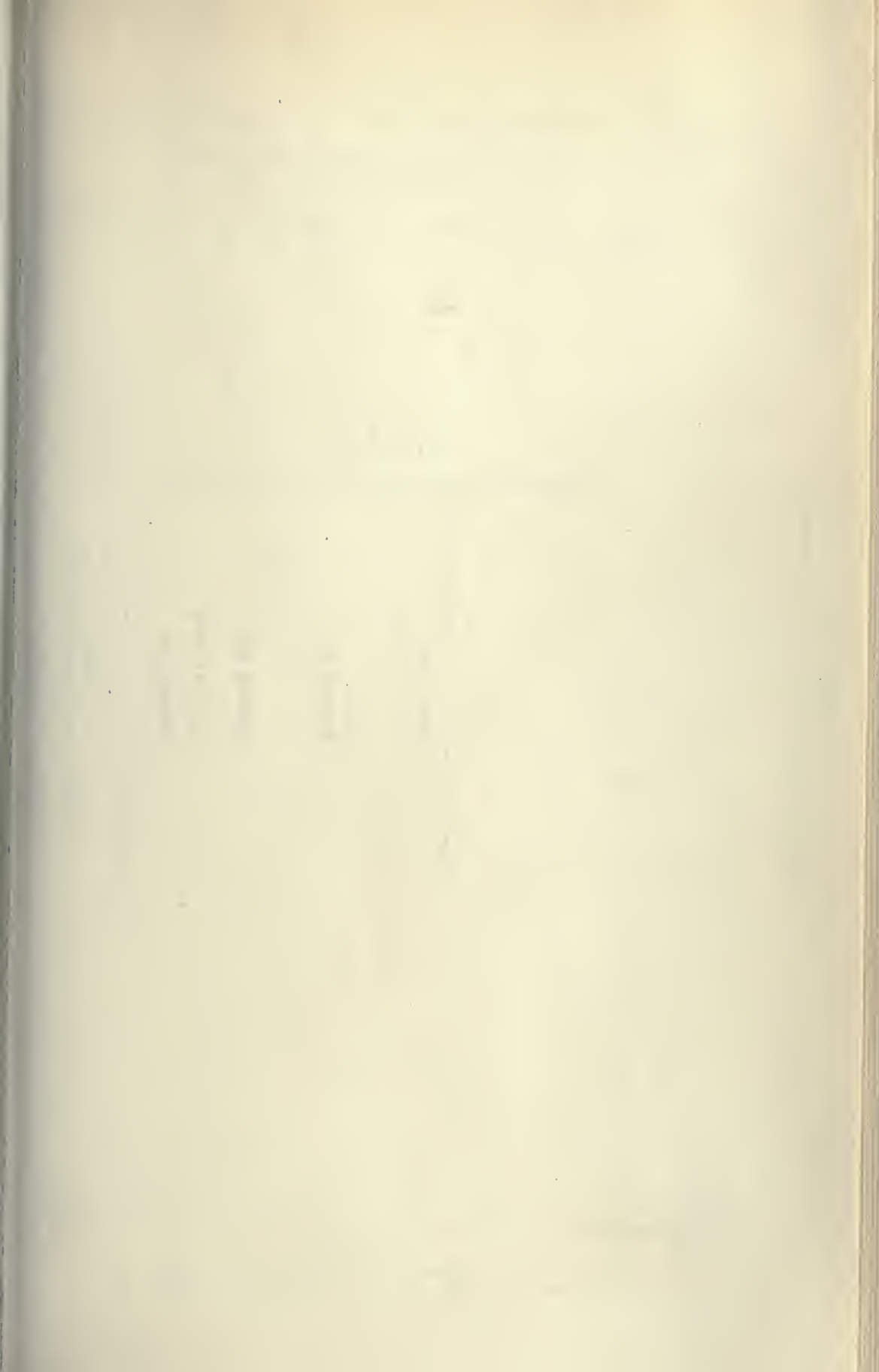
Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Municipal Subsidy Amendment Act, 1939*.





BILL

An Act to amend The Municipal
Subsidy Act.

1st Reading

April 14th, 1939

2nd Reading

3rd Reading

MR. CROSS

No. 84

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Municipal Subsidy Act.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Subsidy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 273, s. 1,
re-enacted.

1. Section 1 of *The Municipal Subsidy Act* is repealed and the following substituted therefor:

Provincial
subsidy of
municipali-
ties for 1939.

1.—(1) In the year 1939 there shall be paid out of the Consolidated Revenue Fund by way of grant or subsidy to the municipal corporation of every city, town, village and township in Ontario a sum of money equal to that which would be produced from the levy by the council thereof of a rate of one and one-half mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for the year 1939 are levied.

Provision for
subsidy of
municipali-
ties in
future
years.

(2) In the year 1940 and thereafter the amount of such grant or subsidy which shall be paid out of the Consolidated Revenue Fund shall be determined by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 273, s. 2,
subs. 1,
amended.

2.—(1) Subsection 1 of section 2 of *The Municipal Subsidy Act* is amended by striking out the figures and words "1937 and in each year thereafter" in the fifth line and inserting in lieu thereof the words "in which such grant or subsidy is received," so that the said subsection shall now read as follows:

Application
of subsidy.

(1) The grant or subsidy to be paid to any municipal corporation under the authority of section 1 shall when received by it be applied by the council thereof solely for the purpose of reduction of the general municipal tax rate levied or to be levied for the year in which such grant or subsidy is received, so that the benefit of such grant or subsidy will accrue, directly, to the benefit of the ratepayers of the municipality, and the same shall not be applied or used by the council for any other purpose.

(2) Subsection 2 of the said section 2 is repealed.

Rev. Stat.,
c. 273, s. 2,
subs. 2, re-
pealed.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

4. This Act may be cited as *The Municipal Subsidy Amendment Act, 1939*.

Short title.

BILL

An Act to amend The Municipal
Subsidy Act.

1st Reading

April 14th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. CROSS

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Game and Fisheries Act.

MR. NIXON (Brant)

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 353, s. 29,
amended.

1. Section 29 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

When
royalty
not re-
quired for
bear and
pelt thereof.

(2) Notwithstanding the provisions of this section any person holding the proper hunting license may take or export to a point outside the Province any bear taken or killed by such person, or the raw or undressed skin or pelt thereof, without obtaining a permit from the Department or paying the royalty, and may have such skin or pelt dressed, plucked or treated in any other way within the Province without paying royalty.

Rev. Stat.,
c. 353, s. 40,
subs. 2,
amended.

2.—(1) Subsection 2 of section 40 of *The Game and Fisheries Act* is amended by striking out the word "and" in the third line and by adding at the end of the subsection the words "Dundas, Durham, Glengarry, Lanark and Stormont," so that the said subsection shall now read as follows:

Use of snares
in certain
counties
prohibited.

(2) It shall be unlawful for any person to use snares for any purpose in the Counties of Victoria, Peterborough, Hastings, Lennox, Addington, Frontenac, Leeds, Grenville, Peel, Carleton, Dundas, Durham, Glengarry, Lanark and Stormont.

Rev. Stat.,
c. 353, s. 40,
subs. 5,
(1938,
c. 13, s. 8),
amended.

(2) Subsection 5 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "and" in the third line and by adding at the end of the subsection the words "Elgin, Haldimand, Middlesex, Oxford, Waterloo and Welland," so that the said subsection shall now read as follows:

Cotton tail
rabbits in
certain
counties.

(5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one day in the Counties of Essex, Kent, Elgin, Haldimand, Middlesex, Oxford, Waterloo and Welland.

EXPLANATORY NOTES.

SECTION 1. This section of the Bill provides that bears may be taken by licensed hunters (resident and non-resident) for their own use without paying a royalty and that such bears or the raw or undressed skin or pelt thereof may be exported without a permit.

SECTION 2. Subsection 1 of this section provides that it shall be unlawful to use snares in the Counties of Dundas, Durham, Glengarry, Lanark and Stormont as well as in the Counties now provided for in the Act.

Subsection 2 of this section provides that it shall be unlawful to kill more than six cotton tail rabbits in any one day in the Counties of Elgin, Haldimand, Middlesex, Oxford, Waterloo and Welland, as well as in the Counties of Essex and Kent.

Rev. Stat.,
c. 353, s. 40,
subs. 6,
(1938,
c. 13, s. 8),
amended.

(3) Subsection 6 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "and" in the fourth line and by adding at the end of the subsection the words "Elgin, Haldimand, Middlesex, Oxford, Waterloo and Welland," so that the said subsection shall now read as follows:

Prohibition
against
selling, etc.,
cotton tail
rabbits in
certain
counties.

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or to be concerned in the sale, purchase or barter of any cotton tail rabbits in the Counties of Essex, Kent, Elgin, Haldimand, Middlesex, Oxford, Waterloo and Welland.

Rev. Stat.,
c. 353, s. 41,
re-enacted.

3. Section 41 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

When
shooting
prohibited.

41. It shall be unlawful for any person to discharge any air gun, gun or other firearm in any locality where game is usually found between one-half hour after sunset on Saturday night and one-half hour before sunrise on Monday morning following (standard time) or between one-half hour after sunset and one-half hour before sunrise (standard time) at any other time except as may be provided by regulations.

Rev. Stat.,
c. 353, s. 45,
(1938,
c. 13, s. 9),
amended.

4.—(1) Section 45 of *The Game and Fisheries Act* as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "two" in the ninth line and inserting in lieu thereof the word "three," and by striking out the word "other" in the tenth line and inserting in lieu thereof the word "others," so that the said section shall now read as follows:

Use of
automatic
shotgun
prohibited.

45. It shall be unlawful for any person to hunt or shoot any protected or unprotected bird or animal with a shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun, or to carry a gun of this description for such purpose; provided that this section shall not apply to any automatic shotgun which has been reconstructed and plugged so as to be incapable of holding more than three shells at one time, one shell in the barrel and the others in the magazine.

Rev. Stat.,
c. 353, s. 45,
amended.

(2) The said section 45 is further amended by adding thereto the following subsection:

Use of rifle
restricted
during
pheasant
season.

(2) In those parts of Ontario where it is permitted by regulations to take, kill or shoot pheasants it shall be unlawful for any person to hunt or shoot any

Subsection 3 of this section provides that it shall be unlawful to sell or purchase any cotton tail rabbits in the Counties of Elgin, Haldimand, Middlesex, Oxford, Waterloo and Welland, as well as in the Counties of Essex and Kent.

SECTION 3. This section as re-enacted provides that it shall be unlawful to discharge any firearm in any locality where game is usually found, between one-half hour after sunset and one-half hour before sunrise and on Sunday.

SECTION 4. Subsection 1 of this section provides that it shall be lawful to use a reconstructed automatic shotgun which is capable of holding not more than three shells in place of not more than two shells.

Subsection 2 of this section prohibits the use of a rifle for hunting during the open season for pheasants where such open season prevails.

protected or unprotected bird or animal with a rifle or to be in possession of a rifle for such purpose, during the period of time pheasants may be lawfully taken, killed or shot.

Rev. Stat.,
c. 353, s. 53,
subs. 1,
amended.

5. Subsection 1 of section 53 of *The Game and Fisheries Act* is amended by striking out all the words after the word "license" in the sixth line, so that the said subsection shall now read as follows:

Transporting
deer, moose
or caribou.

- (1) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport or cause to be transported, or receive or have in possession any deer, moose or caribou, or any head, or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license.

Rev. Stat.,
c. 353, s. 58,
amended.

6. Section 58 of *The Game and Fisheries Act* is amended by striking out all the words after the word "made" in the tenth line and inserting in lieu thereof the words "by express or parcel post; provided no shipment of the skins or pelts of fur-bearing animals shall be made by aeroplane or by any other manner not provided for in this section except under the authority of a special permit issued by the Department," so that the said section shall now read as follows:

Marking
receptacles
for fish
or game.

58. All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to give a list and description of the contents, and the name and address of the consignee and consignor, and this shall apply to pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals shall only be made by express or parcel post; provided no shipment of the skins or pelts of fur-bearing animals shall be made by aeroplane or by any other manner not provided for in this section except under the authority of a special permit issued by the Department.

Rev. Stat.,
c. 353, s. 59,
subs. 1, re-
enacted.

7.—(1) Subsection 1 of section 59 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Exporting
deer, etc.,
by holders
of non-
resident
licenses.

- (1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game

SECTION 5. This amendment restricts the shipment of the skins or pelts of deer, moose or caribou during the closed season.

SECTION 6. This section now provides that a special permit for the shipment by aeroplane of the skins or pelts of fur-bearing animals is necessary.

SECTION 7. Subsection 1 of this section provides that it shall be unlawful to export in any open season more than fifty geese.

actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, bears or bear pelts, one hundred ducks and fifty geese.

Rev. Stat.,
c. 353, s. 59,
subs. 2,
amended.

(2) Subsection 2 of the said section 59 is amended by adding at the end thereof the words "or geese," so that the said subsection shall now read as follows:

Shipping
coupons.

(2) The shipping coupon belonging to such license shall be attached to every such animal or to the receptacle containing it or any part of it, or containing any ducks or geese.

Rev. Stat.,
c. 353, s. 68,
amended.

8. Section 68 of *The Game and Fisheries Act* is amended by adding thereto the following subsections:

Penalty
as to
maskinonge.

(5a) Any person who commits an offence against this Act or the regulations in respect to maskinonge shall, for each offence, incur a penalty of not less than \$10 and not more than \$100 for each maskinonge the subject thereof.

Penalty
as to
shipment
of pelts of
fur-bearing
animals by
aeroplane.

(5b) Any person who commits an offence against the provisions of section 58 in respect to the shipment of the skins or pelts of fur-bearing animals by aeroplane shall, for each offence, incur a penalty of not less than \$50 and not more than \$500.

Rev. Stat.,
c. 353,
amended.

9. *The Game and Fisheries Act* is amended by adding thereto the following section:

Lease of
fishing
rights.

70. No lease or conveyance granting exclusive fishing rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department at any time after the 1st day of May, 1934, shall be valid unless such lease has been submitted to and approved by the Department; provided it shall not be necessary for any such lease in existence prior to the coming into force of this section to be so submitted and approved.

Short title.

10. This Act may be cited as *The Game and Fisheries Amendment Act, 1939*.

Subsection 2 of this section: This amendment is complementary to the amendment made in subsection 1 of this section of the Bill.

SECTION 8. Subsection 5a of section 68 as amended by this section provides a penalty for an offence against this Act or the regulations in respect to maskinonge.

Subsection 5b of the Act, as enacted by this section, provides a penalty for an offence against the provisions of section 58 in respect to the shipment of the skins or pelts of fur-bearing animals by aeroplane.

SECTION 9. This section provides that a lease granting fishing rights in or along a stream or lake which has been stocked with fish by the Department shall be submitted to and approved by the Department before it is a good and valid lease for such fishing rights.

BILL

An Act to amend The Game and Fisheries Act.

1st Reading

April 14th, 1939

2nd Reading

3rd Reading

MR. NIXON (Brant)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Game and Fisheries Act.

MR. NIXON (Brant)

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 353, s. 29,
amended.

1. Section 29 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

When
royalty
not re-
quired for
bear and
pelt thereof.

(2) Notwithstanding the provisions of this section any person holding the proper hunting license may take or export to a point outside the Province any bear taken or killed by such person, or the raw or undressed skin or pelt thereof, without obtaining a permit from the Department or paying the royalty, and may have such skin or pelt dressed, plucked or treated in any other way within the Province without paying royalty.

Rev. Stat.,
c. 353, s. 40,
subs. 2,
amended.

2.—(1) Subsection 2 of section 40 of *The Game and Fisheries Act* is amended by striking out the word "and" in the third line and by adding at the end of the subsection the words "Dundas, Durham, Glengarry, Lanark and Stormont," so that the said subsection shall now read as follows:

Use of snares
in certain
counties
prohibited.

(2) It shall be unlawful for any person to use snares for any purpose in the Counties of Victoria, Peterborough, Hastings, Lennox, Addington, Frontenac, Leeds, Grenville, Peel, Carleton, Dundas, Durham, Glengarry, Lanark and Stormont.

Rev. Stat.,
c. 353, s. 40,
subs. 5,
(1938,
c. 13, s. 8),
amended.

(2) Subsection 5 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "and" in the third line and by adding at the end of the subsection the words "Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland," so that the said subsection shall now read as follows:

Cotton tail
rabbits in
certain
counties.

(5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one day in the Counties of Essex, Kent, Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland.

(3) Subsection 6 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "and" in the fourth line and by adding at the end of the subsection the words "Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 353, s. 40,
subs. 6,
(1938,
c. 13, s. 8),
amended.

- (6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or to be concerned in the sale, purchase or barter of any cotton tail rabbits in the Counties of Essex, Kent, Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland.

Prohibition
against
selling, etc.;
cotton tail
rabbits in
certain
counties.

3. Section 41 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 353, s. 41,
re-enacted.

41. It shall be unlawful for any person to discharge any air gun, gun or other firearm in any locality where game is usually found between one-half hour after sunset on Saturday night and one-half hour before sunrise on Monday morning following (standard time) or between one-half hour after sunset and one-half hour before sunrise (standard time) at any other time except as may be provided by regulations.

When
shooting
prohibited.

4.—(1) Section 45 of *The Game and Fisheries Act* as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "two" in the ninth line and inserting in lieu thereof the word "three," and by striking out the word "other" in the tenth line and inserting in lieu thereof the word "others," so that the said section shall now read as follows:

Rev. Stat.,
c. 353, s. 45,
(1938,
c. 13, s. 9),
amended.

45. It shall be unlawful for any person to hunt or shoot any protected or unprotected bird or animal with a shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun, or to carry a gun of this description for such purpose; provided that this section shall not apply to any automatic shotgun which has been reconstructed and plugged so as to be incapable of holding more than three shells at one time, one shell in the barrel and the others in the magazine.

Use of
automatic
shotgun
prohibited.

(2) The said section 45 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 353, s. 45,
amended.

- (2) In those parts of Ontario where it is permitted by regulations to take, kill or shoot pheasants it shall be unlawful for any person to hunt or shoot any

Use of rifle
restricted
during
pheasant
season.

protected or unprotected bird or animal with a rifle or to be in possession of a rifle for such purpose, during the period of time pheasants may be lawfully taken, killed or shot.

Rev. Stat.,
c. 353, s. 53,
subs. 1,
amended.

5. Subsection 1 of section 53 of *The Game and Fisheries Act* is amended by striking out all the words after the word "license" in the sixth line, so that the said subsection shall now read as follows:

Transporting
deer, moose
or caribou.

- (1) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport or cause to be transported, or receive or have in possession any deer, moose or caribou, or any head, or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license.

Rev. Stat.,
c. 353, s. 58,
amended.

6. Section 58 of *The Game and Fisheries Act* is amended by striking out all the words after the word "made" in the tenth line and inserting in lieu thereof the words "by express or parcel post; provided no shipment of the skins or pelts of fur-bearing animals shall be made by aeroplane or by any other manner not provided for in this section except under the authority of a special permit issued by the Department," so that the said section shall now read as follows:

Marking
receptacles
for fish
or game.

58. All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to give a list and description of the contents, and the name and address of the consignee and consignor, and this shall apply to pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals shall only be made by express or parcel post; provided no shipment of the skins or pelts of fur-bearing animals shall be made by aeroplane or by any other manner not provided for in this section except under the authority of a special permit issued by the Department.

Rev. Stat.,
c. 353, s. 59,
subs. 1, re-
enacted.

7.—(1) Subsection 1 of section 59 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Exporting
deer, etc.,
by holders
of non-
resident
licenses.

- (1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game

actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, bears or bear pelts, one hundred ducks and fifty geese.

(2) Subsection 2 of the said section 59 is amended by adding at the end thereof the words "or geese," so that the said subsection shall now read as follows: Rev. Stat., c. 353, s. 59, subs. 2, amended.

(2) The shipping coupon belonging to such license shall be attached to every such animal or to the receptacle containing it or any part of it, or containing any ducks or geese. Shipping coupons.

8. Section 68 of *The Game and Fisheries Act* is amended by adding thereto the following subsections: Rev. Stat., c. 353, s. 68, amended.

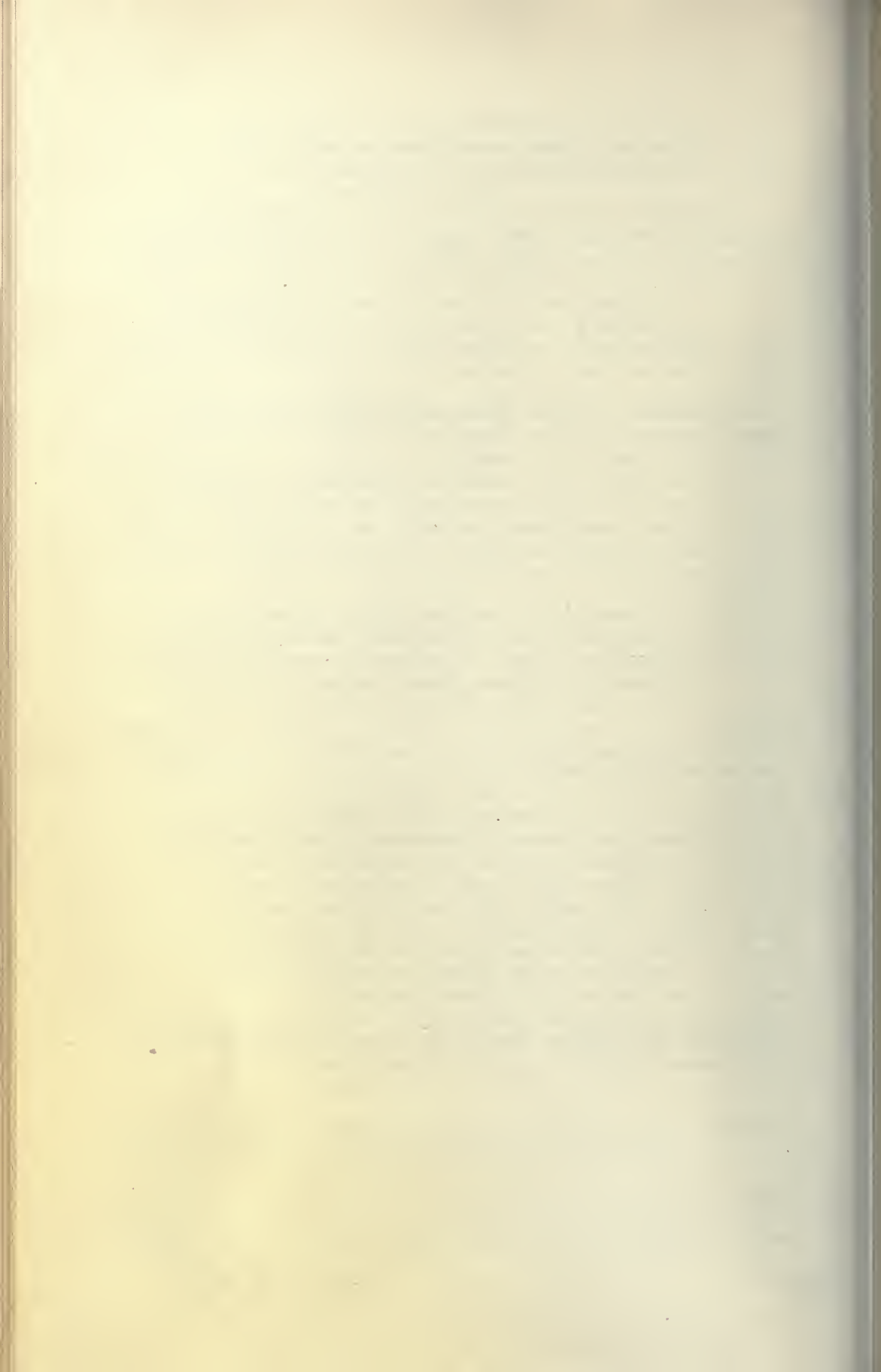
(5a) Any person who commits an offence against this Act or the regulations in respect to maskinonge shall, for each offence, incur a penalty of not less than \$10 and not more than \$100 for each maskinonge the subject thereof. Penalty as to maskinonge.

(5b) Any person who commits an offence against the provisions of section 58 in respect to the shipment of the skins or pelts of fur-bearing animals by aeroplane shall, for each offence, incur a penalty of not less than \$50 and not more than \$500. Penalty as to shipment of pelts of fur-bearing animals by aeroplane.

9. *The Game and Fisheries Act* is amended by adding thereto the following section: Rev. Stat., c. 353, amended.

70. No lease or conveyance granting exclusive fishing rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department at any time after the 1st day of May, 1934, shall be valid unless such lease has been submitted to and approved by the Department; provided it shall not be necessary for any such lease in existence prior to the coming into force of this section to be so submitted and approved. Lease of fishing rights.

10. This Act may be cited as *The Game and Fisheries Amendment Act, 1939*. Short title.



BILL

An Act to amend The Game and
Fisheries Act.

1st Reading

April 14th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. NIXON (Brant)

No. 86

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Village of Lion's Head.

MR. SINCLAIR

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 86

1939

BILL

An Act respecting the Village of Lion's Head.

Preamble.

WHEREAS the corporation of the village of Lion's Head has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power Commission Act* providing for the distribution of power in rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 62.

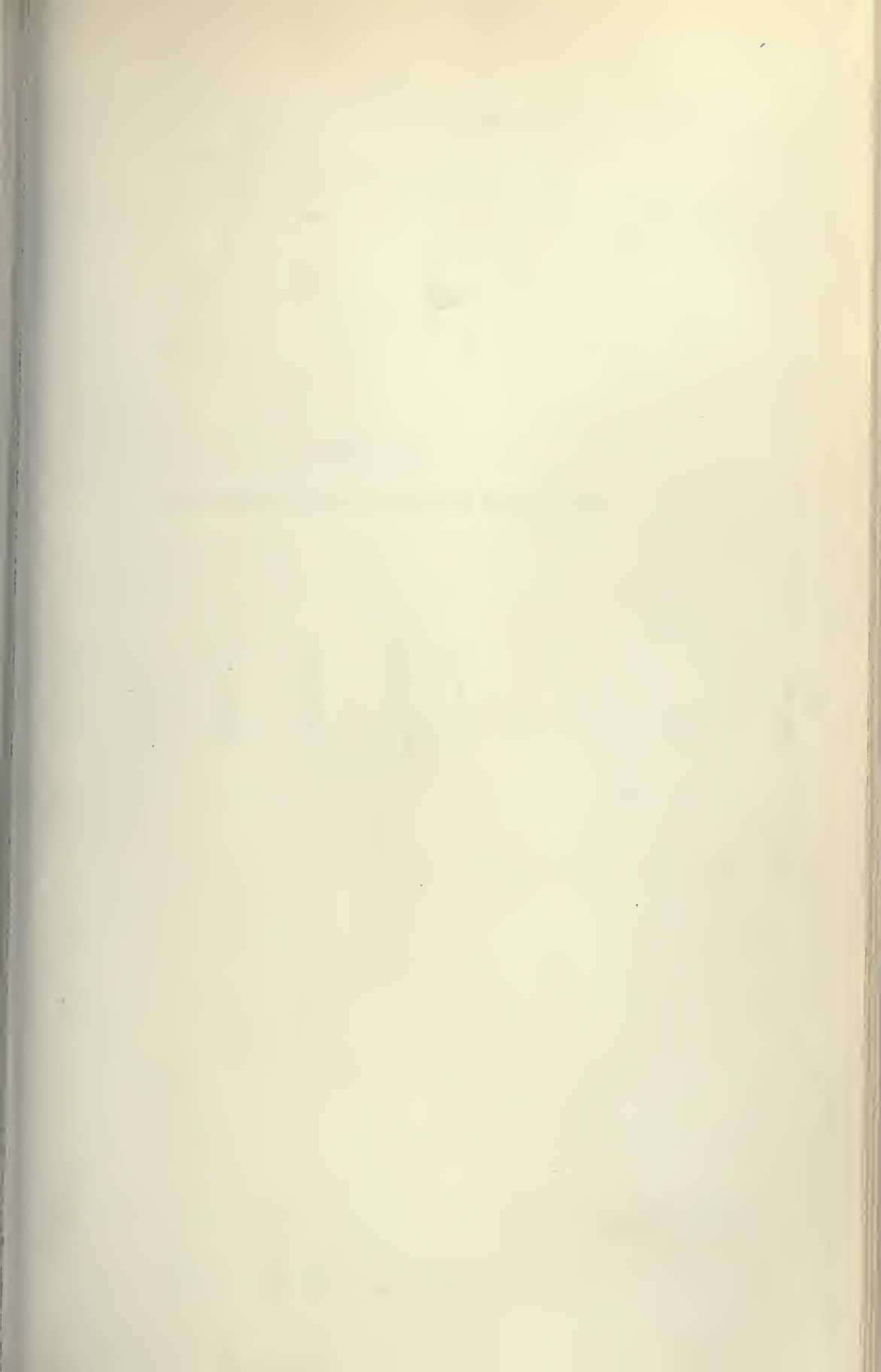
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lion's Head
village
deemed
township for
rural power.Rev. Stat.,
c. 62.

Short title.

1. For the purposes of *The Power Commission Act* the municipality of the village of Lion's Head shall be deemed a township and Part IV of *The Power Commission Act* shall apply accordingly.

2. This Act may be cited as *The Village of Lion's Head Act*, 1939.



BILL

An Act respecting the Village of
Lion's Head.

1st Reading

2nd Reading

3rd Reading

MR. SINCLAIR

(*Private Bill*)

No. 86

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting the Village of Lion's Head.

MR. SINCLAIR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 86

1939

BILL

An Act respecting the Village of Lion's Head.

Preamble.

WHEREAS the corporation of the village of Lion's Head has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power Commission Act* providing for the distribution of power in rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Rev. Stat.,
c. 62.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lion's Head
village
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rural power.

1. For the purposes of *The Power Commission Act* the municipality of the village of Lion's Head shall be deemed a township and Part IV of *The Power Commission Act* shall apply accordingly.

Rev. Stat.,
c. 62.

Short title.

2. This Act may be cited as *The Village of Lion's Head Act, 1939*.

BILL

An Act respecting the Village of
Lion's Head.

1st Reading

April 17th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. SINCLAIR

No. 87

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Workmen's Compensation Act.

MR. HIPEL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 87

1939

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 204, s. 8,
subs. 5,
re-enacted.

1. Subsection 5 of section 8 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Right of
action de-
clared to be
taken away
as against
employer in
Schedule 1.

- (5) No employer in Schedule 1 and no workman of an employer in Schedule 1 or dependant of such workman shall have a right of action against any employer in Schedule 1 or against any workman of any such employer in any case within the provisions of subsection 1, but in any case where it appears to the satisfaction of the Board that a workman of an employer in any class or group in Schedule 1 is injured or killed owing to the negligence of an employer or the workman of an employer in another class or group in Schedule 1, the Board may direct that the compensation and medical aid awarded in any such case shall be charged against the class or group to which such last-mentioned employer belongs.

Rev. Stat.,
c. 204, s. 19,
subs. 1,
amended.

2. Subsection 1 of section 19 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" where it occurs in the first and fifth lines respectively the words "or medical aid," so that the said subsection shall now read as follows:

Notice of
accident to
be given.

- (1) Subject to subsection 5 compensation or medical aid shall not be payable unless notice of the accident is given as soon as practicable after the happening of it and before the workman has voluntarily left the employment in which he was injured and unless the claim for compensation or medical aid is made within six months from the happening of the accident or in case of death within six months from the time of death.

EXPLANATORY NOTES.

SECTION 1. The re-enacted section is substantially the same. It provides the protection against an action for negligence, now given to an employer, to a workman of such employer, and that the liability of the employer or his workmen may be charged against his particular group rather than against the class as a whole. It further provides that the medical aid as well as the compensation may be charged against the group.

SECTION 2. The amendment provides that no medical aid will be paid in cases where no compensation is payable.

Rev. Stat.,
c. 204,
s. 50,
subs. 1,
amended.

3. Subsection 1 of section 50 of *The Workmen's Compensation Act* is amended by striking out the words "for a period of one year" in the last line and inserting in lieu thereof the words "or replaced when deemed necessary by the Board," so that the said subsection shall now read as follows:

Medical and
surgical aid
during
disability.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Rev. Stat.,
c. 229.

4.—(1) Subsection 10 of section 115 of *The Workmen's Compensation Act* is repealed.

Rev. Stat.,
c. 204,
s. 115,
subs. 10,
repealed.

- (2) Subsection 11 of the said section 115 is amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "five," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 204,
s. 115,
subs. 11,
amended.

Limitation
of time for
making
claim.

- (11) Any workman who has heretofore ceased or may hereafter cease to be usually and regularly employed in an industry under this Act in which he was exposed to silica dust, shall make and establish his claim for disability therefrom within five years from the date of leaving such employment, or his claim shall be completely barred, but this provision shall not prevent allowance by the Board of any case due to uncomplicated silicosis which the Board consider should in justice be allowed.

Short title.

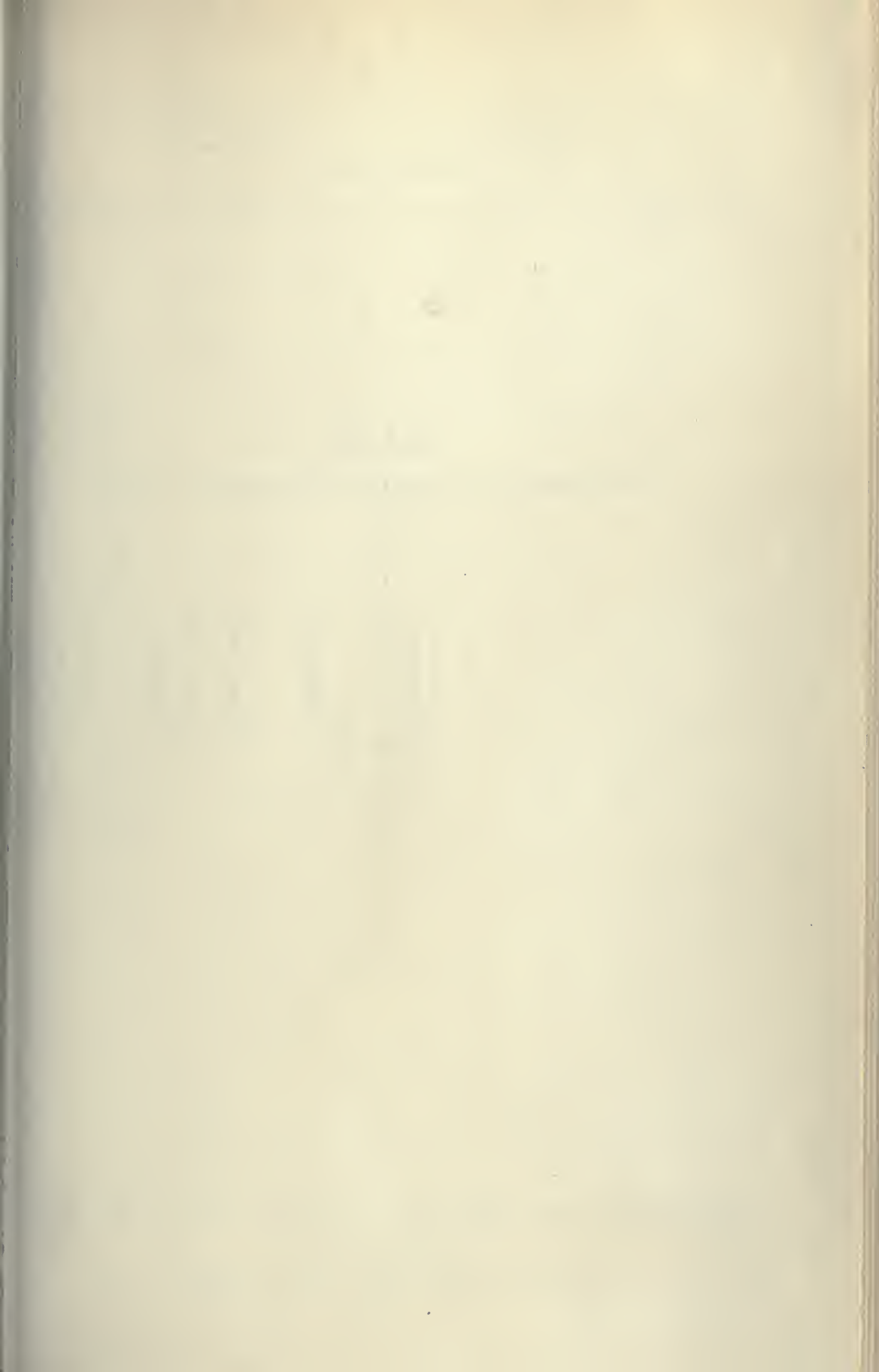
5. This Act may be cited as *The Workmen's Compensation Amendment Act, 1939*.

SECTION 3. This amendment removes the existing limitation of one year for keeping artificial members or appliances in repair and gives the Board when it deems necessary the power to replace any artificial member or appliance.

SECTION 4.—Subsection 1. By the repeal of subsection 10 persons suffering from silicosis whether complicated or uncomplicated are entitled to full disability compensation.

Subsection 2. The time limit for making claims by persons suffering from silicosis is extended from three years to five years.





BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

April 17th, 1939

2nd Reading

3rd Reading

MR. HIPPEL

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Workmen's Compensation Act.

MR. HIPEL

No. 87

1939

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 204, s. 8,
subs. 5,
re-enacted.

1. Subsection 5 of section 8 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Right of
action de-
clared to be
taken away
as against
employer in
Schedule 1.

- (5) No employer in Schedule 1 and no workman of an employer in Schedule 1 or dependant of such workman shall have a right of action against any employer in Schedule 1 or against any workman of any such employer in any case within the provisions of subsection 1, but in any case where it appears to the satisfaction of the Board that a workman of an employer in any class or group in Schedule 1 is injured or killed owing to the negligence of an employer or the workman of an employer in another class or group in Schedule 1, the Board may direct that the compensation and medical aid awarded in any such case shall be charged against the class or group to which such last-mentioned employer belongs.

Rev. Stat.,
c. 204, s. 19,
subs. 1,
amended.

2. Subsection 1 of section 19 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" where it occurs in the first and fifth lines respectively the words "or medical aid," so that the said subsection shall now read as follows:

Notice of
accident to
be given.

- (1) Subject to subsection 5 compensation or medical aid shall not be payable unless notice of the accident is given as soon as practicable after the happening of it and before the workman has voluntarily left the employment in which he was injured and unless the claim for compensation or medical aid is made within six months from the happening of the accident or in case of death within six months from the time of death.

3. Subsection 1 of section 50 of *The Workmen's Compensation Act* is amended by striking out the words "for a period of one year" in the last line and inserting in lieu thereof the words "or replaced when deemed necessary by the Board," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 204,
s. 50,
subs. 1,
amended.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Medical and
surgical aid
during
disability.

Rev. Stat.,
c. 229.

4.—(1) Subsection 10 of section 115 of *The Workmen's Compensation Act* is repealed.

Rev. Stat.,
c. 204,
s. 115,
subs. 10,
repealed.

(2) Subsection 11 of the said section 115 is amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "five," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 204,
s. 115,
subs. 11,
amended.

- (11) Any workman who has heretofore ceased or may hereafter cease to be usually and regularly employed in an industry under this Act in which he was exposed to silica dust, shall make and establish his claim for disability therefrom within five years from the date of leaving such employment, or his claim shall be completely barred, but this provision shall not prevent allowance by the Board of any case due to uncomplicated silicosis which the Board consider should in justice be allowed.

Limitation
of time for
making
claim.

5. This Act may be cited as *The Workmen's Compensation Amendment Act, 1939*.

Short title.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

April 17th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. HIPPEL

No. 88

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Municipal Act.

MR. ROEBUCK

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 81,
subs. 2,
re-enacted.

1. Subsection 2 of section 81 of *The Municipal Act* is repealed and the following substituted therefor:

Election
officers, how
appointed in
cities over
100,000.

- 2 (a) In a city having a population of not less than 100,000 the clerk shall between the 1st and 7th days of October give notice in each daily newspaper published in the municipality that on or before the 15th day of October persons between the ages of 21 and 60 may apply for appointment to act as deputy returning officers and poll clerks.
- (b) Applications shall be made in the prescribed form which shall be supplied by the clerk and which shall require the applicant in his handwriting and over his signature to state his residence, place of birth, age, education, occupation, qualifications for the position and whether he is a British subject.
- (c) The clerk shall select from the applicants from each polling subdivision those of good character who are best qualified by education or otherwise, to act as deputy returning officers and poll clerks and shall recommend their appointment.
- (d) The clerk shall arrange for the adequate instruction of all deputy returning officers and poll clerks.
- (e) Returning officers, deputy returning officers and poll clerks shall be appointed on the recommendation of the clerk and such appointments shall be made at least one month before polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside.

EXPLANATORY NOTES

SECTION 1. This amendment provides for a requirement of newspaper publication, regarding applications for positions of returning officers, deputy returning officers and poll clerks. In addition it provides that publication shall also be made of the names, addresses and respective divisions to which appointments are made.

- (f) Immediately on appointment the clerk shall publish in each daily newspaper published in the municipality the names and addresses of the appointees and the numbers of the polling subdivision for which they have been appointed.

Rev. Stat.,
c. 266, s. 99,
amended.

2. Section 99 of *The Municipal Act* is amended by inserting after the word "compartment" in the first and second lines the words "made of wood, cardboard or similar opaque material", so that the said section shall now read as follows:

Compartment
for
marking
ballots.

99. Every polling place shall be furnished with a compartment made of wood, cardboard or similar opaque material in which the voters can mark their ballot papers screened from observation, and if it is not provided by the corporation the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 94.

Rev. Stat.,
c. 266,
s. 110,
subs. 3, re-
enacted.

3. Subsection 3 of section 110 of *The Municipal Act* is repealed and the following substituted therefor:

Where alder-
men, etc.,
elected by
wards.

- (3) When the aldermen or councillors are elected by wards an elector who is qualified to vote in more than one ward or polling subdivision shall vote only in that in which he resides if qualified to vote there, or if he is not a resident of the municipality he may, prior to the final correction of the voters' list, notify the clerk in writing at which such polling division of which ward he elects to vote and he shall vote there only and he may there vote for as many candidates as there are offices to be filled and once only for each of them.

Rev. Stat.,
c. 266,
s. 112,
amended.

4. Section 112 of *The Municipal Act* is amended by adding thereto the following subsection:

Procedure
on closing
of poll.

- (2a) Precisely at the hour appointed for the closing of the poll the constable on duty at each polling place shall take station at the end of the line of persons then waiting to vote at the polling place; and the poll shall remain open until such persons have had an opportunity of voting, but no longer.

Rev. Stat.,
c. 266,
amended.

5. *The Municipal Act* is amended by adding thereto the following section:

Name of
voter to be
clearly and
audibly
announced
by constable.

- 115a. The constable on duty at each polling subdivision shall be supplied with a copy of the voters' list for that subdivision which he shall post up in a con-

SECTION 2. This amendment provides that the compartment designated for the marking of ballots shall be of such solid materials as to ensure complete privacy to the voter in the marking of his ballot.

SECTION 3. This section provides that the same restrictions which exist in the case of a general vote shall apply equally where aldermen or councillors are elected by wards; viz.: that an elector who is qualified to vote in more than one ward for such aldermen or councillors must vote in the polling subdivision in which he resides or, if a non-resident of the municipality, he must elect in writing in which subdivision he will vote.

SECTION 4. This section provides that at the closing of the poll none but those already waiting at that time may vote.

SECTION 5. This section provides that each voter must declare his identity to the constable on duty who shall then make a clear, audible announcement of such name both to persons in the vicinity and to the deputy returning officer and poll clerk.

venient place; and every person attending to vote shall declare to the constable his name and address before entering the polling place; and the constable shall announce such name in a clear and audible voice to persons in the vicinity; and he shall on admitting the person to the polling place announce the name of the voter in a clear and audible voice to the deputy returning officer and poll clerk; and the constable shall by appropriate marks on the said copy of the voters' list indicate that the person named has been admitted to vote; and any person may from time to time inspect the said list.

Rev. Stat.,
c. 266,
s. 128,
amended.

6. Section 128 of *The Municipal Act* is amended by inserting after the words "poll clerk" in the eleventh line the words "the constable", so that the said section shall now read as follows:

Counting
the vote³.

128. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form: "*I certify that the number of voters who voted at the election in this polling place is (stating the number in words) and that.....was the last person who voted at this polling place,*" to be entered in the poll book on the line immediately below the name of the voter who voted last, and such certificate shall be signed by the deputy returning officer, the poll clerk, the constable and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper.

Rev. Stat.,
c. 266,
s. 135,
re-enacted.

7. Section 135 of *The Municipal Act* is repealed and the following substituted therefor:

Locking of
ballot box.

135.—(1) The deputy returning officer shall then immediately lock and seal the box, and any candidate or agent present may also affix to it his seal.

Delivery of
box to place
appointed
by chief
constable.

(2) The deputy returning officer, poll clerk and constable shall then without separating proceed with the ballot box to the place appointed by the chief constable and there deliver the ballot box personally to the person by him appointed to receive the same taking a receipt therefor; and at the same time the poli

SECTION 6. This section provides that the constable on duty at the polling subdivision shall also sign *inter alia* the certificate of the number of votes cast.

SECTION 7. This section alters the present procedure in providing that the ballot box shall be taken to a place and person appointed by the chief constable and it further provides that the chief constable is responsible for the storing of the boxes for seven weeks after an election.

clerk and constable shall each take and subscribe the oath (Form 15).

Oath of
deputy
returning
officer.

- (3) The deputy returning officer shall at the same time take and subscribe the oath (Form 16).

Chief con-
stable to
collect and
store ballot
boxes.

- (4) It shall be the duty of the chief constable to collect the ballot boxes at the conclusion of the count and, subject to the order of the judge, safely to store and keep them until the lapse of seven weeks after an election, when they shall be delivered to the clerk.

Rev. Stat.,
c. 266,
s. 136,
amended.

8. Section 136 of *The Municipal Act* is amended by striking out the word "clerk" in the first line and inserting in lieu thereof the words "chief constable", so that the said section shall now read as follows:

Duties of
chief con-
stable as to
ballot box.

136. The chief constable, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered.

Rev. Stat.,
c. 266,
s. 137,
amended.

9. Section 137 of *The Municipal Act* is amended by striking out the words "office of the clerk" in the last line and inserting in lieu thereof the words "place and person appointed by the chief constable to receive the same", so that the said section shall now read as follows:

D.R.O. to
take ballot
box to
appointed
place only.

137. A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office, or place of business, or to any house or place except the place and person appointed by the chief constable to receive the same.

Rev. Stat.,
c. 266,
s. 147,
re-enacted.

10. Section 147 of *The Municipal Act* is repealed and the following substituted therefor:

Oath of
fidelity.

- 147.—(1) Every returning officer and every officer, clerk and constable authorized to attend at a polling place, or at the counting of the votes shall before entering on his duties take the oath of fidelity (Form 17A); and every returning officer, and every officer, clerk, constable, agent and other person authorized to attend at a polling place or at the counting of the votes shall before entering on his duties take the oath of secrecy (Form 17).

Oath of
secrecy.

SECTION 8. The present section places on the clerk the responsibility of safeguarding the ballot box. This amendment transfers this responsibility to the chief constable.

SECTION 9. This amendment is made in order to render the provisions of the section consistent with the several changes made in this Bill with regard to the duties of the chief constable. It provides that the ballot box shall be taken only to such place as the chief constable designates.

SECTION 10. This section provides for the taking of an oath of secrecy by the officers concerned, and adds a further requirement of an oath of fidelity.

Penalty for
violation of
oath.

- (2) Every person who violates an oath of fidelity or an oath of secrecy shall be liable to imprisonment for a term of not less than six weeks and not more than one year.

Rev. Stat.,
c. 266,
s. 148,
subs. 1,
re-enacted.

11. Subsection 1 of section 148 of *The Municipal Act* is repealed and the following substituted therefor:

Proceedings
where
officers
aware of
violation of
secrecy.

- (1) If a returning officer, deputy returning officer, poll clerk, constable or other officer, candidate or agent becomes aware or has reason to believe or suspect that any provision of the law as to municipal elections has been violated he shall forthwith communicate the particulars to the Crown attorney.

Rev. Stat.,
c. 266,
s. 151, cl. g,
re-enacted.

12.—(1) Clause g of section 151 of *The Municipal Act* is repealed and the following substituted therefor:

- (g) gives a false name or address to a constable, deputy returning officer or poll clerk on duty at a polling place, or applies for a ballot paper in the name of another person whether the name be that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper, or votes or attempts to vote oftener than he is entitled to; or

Rev. Stat.,
c. 266,
s. 151,
amended.

(2) The said section 151 is further amended by striking out the last five lines and inserting in lieu thereof the following:

“if a returning officer, deputy returning officer, poll clerk, constable or other officer engaged in the election, shall be liable to imprisonment for any term not less than six months and not exceeding two years and in the case of any other person to imprisonment for any term not less than six months and not exceeding one year.

Rev. Stat.,
c. 266,
s. 158,
amended.

13. Section 158 of *The Municipal Act* is amended by inserting after the word “officer” in the fourth line the words “or a poll clerk”, so that the said section shall now read as follows:

Who may
administer
oaths
re election.

158. Except where otherwise provided any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, or a poll clerk, as well as before any other person by whom under *The Interpretation Act* an oath may be administered.

Rev. Stat.,
c. 1.

SECTION 11. This section is expanded so as to embrace the offices of constable or other officer, candidate or agent in the number of those persons who shall report violations.

SECTION 12. Clause *g* of section 151 is amended in order to include specifically the giving of a false name or address as an offence under this section.

Subsection 2 of section 12 is amended in order to embrace the further officers upon whom responsibility is now placed.

SECTION 13. This section provides that a poll clerk may in addition to those already named have the authority to take any oath in connection with an election.

Rev. Stat.,
c. 266,
s. 160,
subs. 1,
re-enacted.

14.—(1) Subsection 1 of section 160 of *The Municipal Act* is repealed and the following substituted therefor:

Ballot papers
to be in-
spected only
by order of
a judge.

- (1) No person shall be allowed to inspect any ballot box, poll book, ballot paper or other records of the election in the custody of the chief constable or of the clerk except under the order of a judge or an officer having jurisdiction to inquire as to the validity of an election.

Rev. Stat.,
c. 266,
s. 160,
amended.

- (2) The said section 160 is further amended by adding thereto the following subsection:

List marked
by constable
to be kept
by chief
constable.

- (4) The voters' list marked by the constable on duty at each polling place shall be delivered to and shall be kept by the chief constable for six weeks after the election and any person may inspect the same.

Rev. Stat.,
c. 266,
s. 182,
amended.

15. Section 182 of *The Municipal Act* is amended by inserting after the word "clerk" in the second line the words "or chief constable or other officer", so that the said section shall now read as follows:

Requiring
clerk, etc.,
to attend
with rolls,
voters' lists,
etc.

182. The judge or master in chambers may require the clerk or chief constable or other officer of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the judge or master in chambers may deem proper.

Rev. Stat.,
c. 266,
Form 15,
re-enacted.

16. Form 15 of *The Municipal Act* is repealed and the following substituted therefor:

FORM 15.

OATH OF POLL CLERK AND CONSTABLE.

I, _____, of _____ street in the
City of _____, Poll Clerk (or Constable, as the case
may be) for Polling Subdivision No. _____, of Ward _____,
do swear that I was present at the close of the poll of the said
Subdivision; and at the opening of the ballot box; and throughout the
count; and that the count and everything connected therewith was
conducted in accordance with the law with the following exceptions
(naming them, if any) and that at the conclusion of the count the
ballot box was locked and sealed in my presence; and that the box
has remained so locked and sealed and in my presence until the
same was delivered by me to _____ of _____
at room _____, school, at the hour of _____ o'clock
in the afternoon of this _____ day of _____, 19 _____.

Sworn before me at _____ }
this _____ }
day of _____, 19 _____ }

Rev. Stat.,
c. 266,
Form 16,
re-enacted.

17. Form 16 of *The Municipal Act* is repealed and the following substituted therefor:

SECTION 14. This amendment renders the section consistent with other sections imposing new duties on the chief constable, and also specifies in greater detail the nature of the papers and records which are the subject of such custody.

Subsection 2 of section 14 provides for the disposition of the list marked by the constable on duty, authorized by the Bill.

SECTION 15. This amendment is made so as to render the section consistent with other sections of the Bill in the matter of additional officers and their responsibilities.

SECTIONS 16 and 17. Sections 16 and 17 of the Bill are repealed and re-enacted so as to embrace the additional officers named in this Bill. The amendments do not alter in any sense the effect of the oath taken.

FORM 16.

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING
OF THE POLL.

I, A.B., Deputy Returning Officer for Polling Subdivision No. ,
of the City (*or, as the case may be*) of in the
County of , swear that, to the best of my knowledge
and belief, the poll book kept for the said polling place under my
direction has been kept correctly, that the total number of votes
polled according to the said poll book is and that it
contains a true and exact record of the votes given at the said polling
place, as the said votes were taken thereat; that I have correctly
counted the votes given for each candidate, in the manner by law
provided, and performed all duties required of me by law, and that
the statement, voters' list, poll book, packets containing ballot papers,
and other documents required by law to be returned by me to the
Clerk, have been faithfully and truly prepared and placed in the
ballot box, and are contained in the ballot box returned by me to
the Chief Constable, which was locked and sealed by me, in accordance
with the provisions of *The Municipal Act*, and remained so locked
and sealed while in my possession.

Sworn before me at }
in the County of } A.B.
this day of , 19 }

Rev. Stat.,
c. 266,
amended.

18. *The Municipal Act* is amended by adding thereto the
following form:

FORM 17A.

OATH OF FIDELITY.

I, A.B., of street, on duty at polling sub-
division of ward do swear that I will be
faithful and impartial in the performance of my duties and that I
will not at this election directly or indirectly attempt to influence
any person to vote for or against any person or measure.

Sworn before me at }
in the County of } A.B.
this day of 19 }

C.D.
J.P., (*or as the case may be*)

SECTION 18. Section 18 adds the Oath of Fidelity which must be taken in accordance with the provisions of section 147 of the Act.

BILL

An Act to amend The Municipal Act.

1st Reading

April 17th, 1939

2nd Reading

3rd Reading

MR. ROEBUCK

No. 89

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Counties Reforestation Act.

MR. BAKER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Counties Reforestation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 323,
amended.

1. *The Counties Reforestation Act* is amended by adding thereto the following section:

Agreements
as to re-
forestation
areas.

4.—(1) The municipal council of any township may enter into agreements with the owners of lands located in such township providing for,—

(a) the reforestation of portions of such lands;

(b) the entry and planting of trees upon such portions by the servants or agents of the council; and

(c) the fencing of such portions and conservation of all growing trees thereon by the owner.

Acreage.

(2) No such agreement shall provide for the reforestation of less than five acres of land for every one hundred acres belonging to the same owner.

Cutting.

(3) Every such agreement shall prescribe the conditions under which the cutting of timber upon such portions may be carried out and such conditions shall be subject to the approval of the Minister of Lands and Forests.

Exemption
from
taxation.

(4) The council of the township may exempt any such portion from general taxation as long as it continues to be used for the purposes set out in the agreement.

Agreements
with
Ministers of
Labour.

(5) The council of the township may enter into agreements with the Minister of Labour for Canada and the Minister of Labour for Ontario regulating the conditions of labour and the payment of wages in respect of labour performed in connection with the planting and conservation of trees in such portions.

Short title.

2. This Act may be cited as *The Counties Reforestation Amendment Act, 1939*.

EXPLANATORY NOTE.

The amendment permits the municipal council of a township to enter into agreements with the owners of lands providing for the reforestation of portions of such lands. The agreements will prescribe the cutting conditions of all trees planted and such conditions will be subject to the approval of the Minister of Lands and Forests.

Provision is also made for exempting such lands from taxation and for making arrangements with the Dominion and Provincial Ministers of Labour regarding conditions of labour and payment of wages in connection with the planting and conservation of such areas.

BILL

An Act to amend The Counties
Reforestation Act.

1st Reading

April 17th, 1939

2nd Reading

3rd Reading

MR. BAKER

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Counties Reforestation Act.

MR. BAKER

BILL

An Act to amend The Counties Reforestation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 323,
amended.

1. *The Counties Reforestation Act* is amended by adding thereto the following section:

Agreements
as to re-
forestation
areas.

4.—(1) The municipal council of any township may enter into agreements with the owners of lands located in such township providing for,—

(a) the reforestation of portions of such lands;

(b) the entry and planting of trees upon such portions by the servants or agents of the council; and

(c) the fencing of such portions and conservation of all growing trees thereon by the owner.

Acreage.

(2) No such agreement shall provide for the reforestation of less than five acres of land for every one hundred acres belonging to the same owner.

Cutting.

(3) Every such agreement shall prescribe the conditions under which the cutting of timber upon such portions may be carried out and such conditions shall be subject to the approval of the Minister of Lands and Forests.

Exemption
from
taxation.

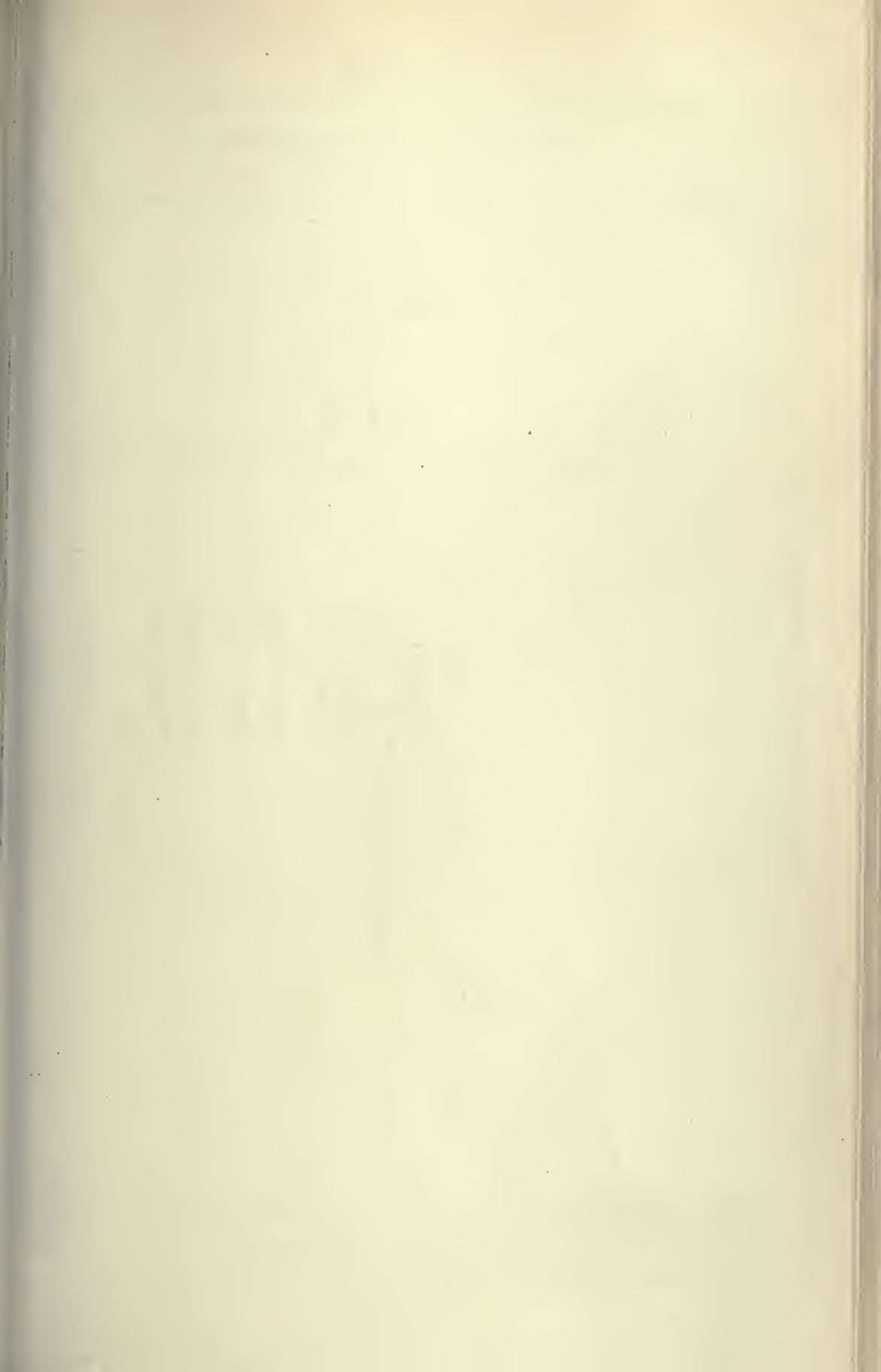
(4) The council of the township may exempt any such portion from general taxation as long as it continues to be used for the purposes set out in the agreement.

Agreements
with
Ministers of
Labour.

(5) The council of the township may enter into agreements with the Minister of Labour for Canada and the Minister of Labour for Ontario regulating the conditions of labour and the payment of wages in respect of labour performed in connection with the planting and conservation of trees in such portions.

Short title.

2. This Act may be cited as *The Counties Reforestation Amendment Act, 1939*.



BILL

An Act to amend The Counties
Reforestation Act.

1st Reading

April 17th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. BAKER

No. 90

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Embalmers and Funeral Directors Act.

MR. BAKER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Embalmers and Funeral Directors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 242,
amended.

1. *The Embalmers and Funeral Directors Act* is amended by adding thereto the following section:

Taxation of
account.

23.—(1) Where any person responsible for the payment of any account of an embalmer or funeral director is dissatisfied with the amount of such account he may apply to a judge of the county or district court of the county or district in which the embalmer or funeral director carries on business or in which the services or any of the services covered by the account were performed, for an appointment to fix the amount of such account.

Service of
notice.

(2) A copy of such appointment shall be served upon the embalmer or funeral director by personal service or by prepaid registered mail.

Hearing.

(3) Upon the return of such appointment the judge shall hear the person liable for the payment of the account and the embalmer or funeral director in his chambers and may take evidence under oath, enforce the attendance of witnesses and examine and cross-examine and permit the examination and cross-examination of such witnesses.

Fixing
amount of
account.

(4) The judge may fix the amount of such account at such amount as he may deem fair and reasonable for the materials supplied and services performed in respect of which the account is submitted, having regard to all the circumstances as disclosed by the submissions made and evidence adduced and there shall be no appeal therefrom.

EXPLANATORY NOTE.

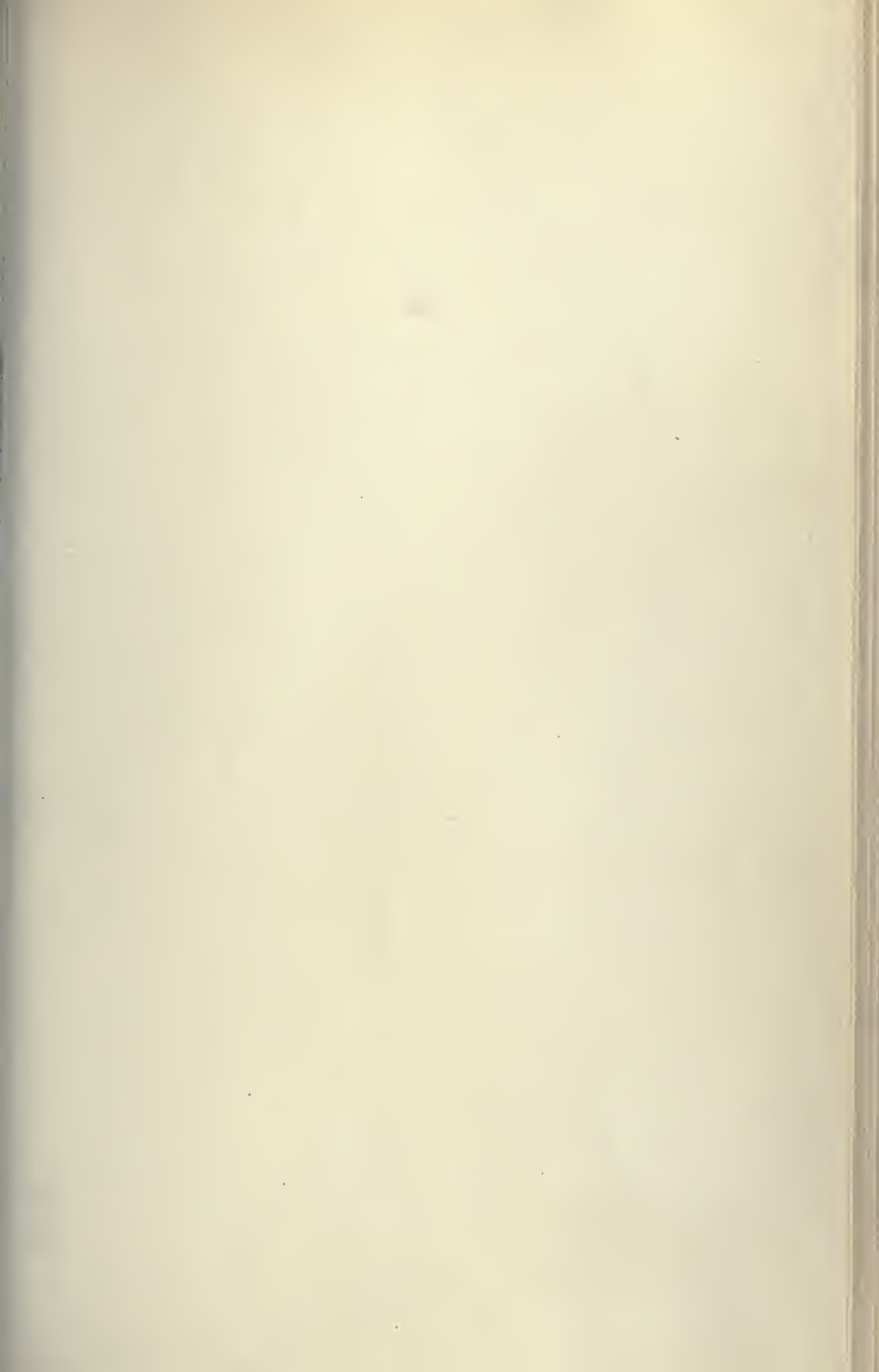
The Bill provides that where a person responsible for the payment of the account submitted by an embalmer or funeral director is dissatisfied with the amount of the account he may have it considered by a county court judge in chambers and the judge is given authority to fix the amount of the account after hearing submissions and evidence. Payment of the account at the amount fixed by the judge may be enforced in the same manner as a court order.

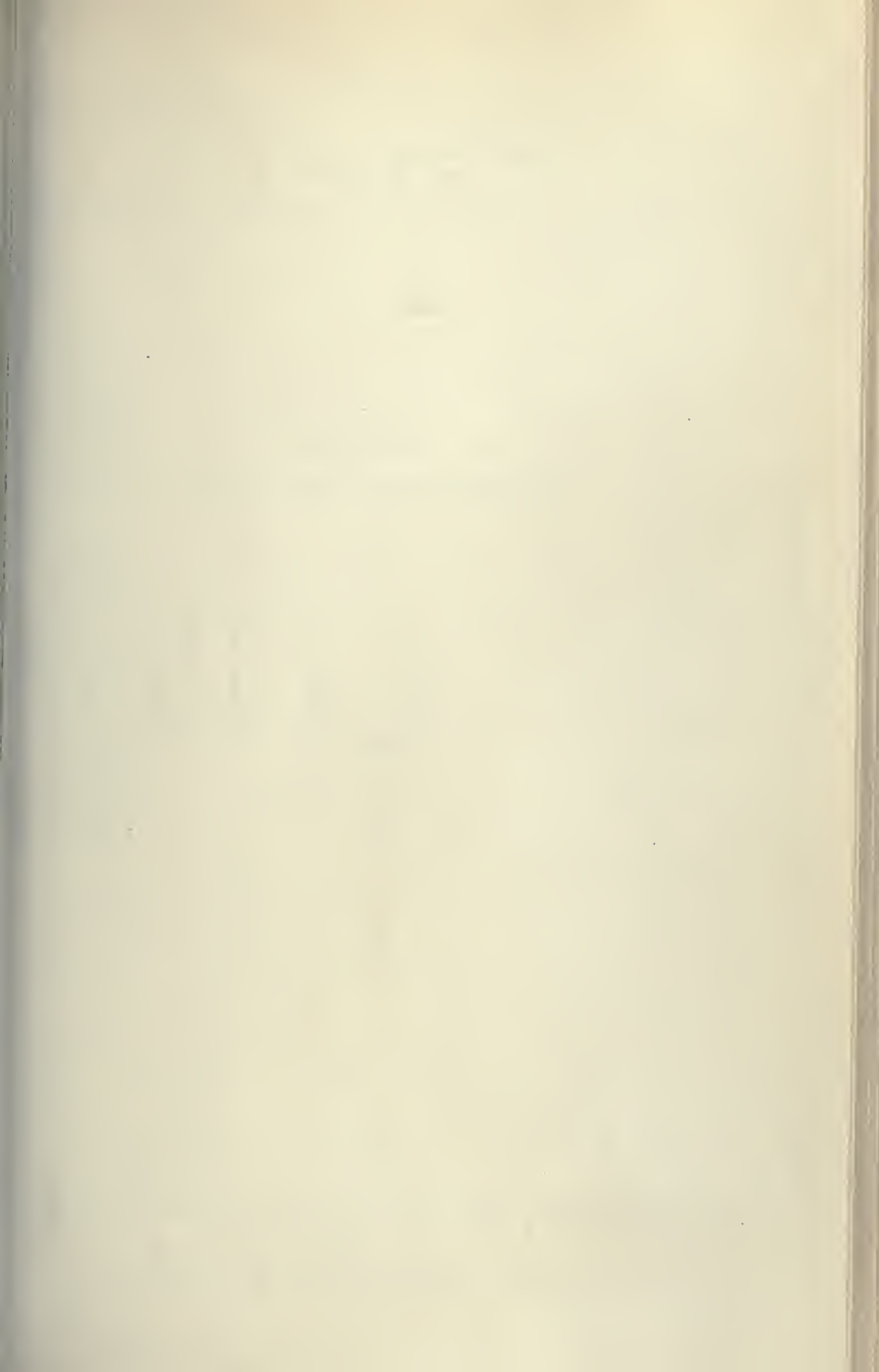
Enforcement
of payment.

- (5) Payment of the amount of the account as fixed by the judge under subsection 4 and certified by him may be enforced against the person responsible for the payment thereof in the same manner as a judgment of a county or district court.

Short title.

2. This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1939.*





BILL

An Act to amend The Embalmers and
Funeral Directors Act.

1st Reading

April 17th, 1939

2nd Reading

3rd Reading

MR. BAKER

No. 91

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Assessment Act.

MR. CROSS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 39,
subs. 9, re-
enacted.

1. Subsection 9 of section 39 of *The Assessment Act* is repealed and the following substituted therefor:

Limited
municipal
tax on
income.

(9) Notwithstanding anything in this section contained the income tax payable to any municipality upon a mine or mining work liable to taxation under section 4 of *The Mining Tax Act* shall not exceed,—

Rev. Stat.,
c. 28.

(a) one and one-half per centum of the amount of the annual profits upon which the tax payable under the said section 4 is based, up to and including \$2,333,333.33; and

(b) two and one-half per centum of the annual profits upon which the tax payable under the said section 4 is based, which are in excess of \$2,333,333.33.

Rev. Stat.,
c. 272,
s. 104,
subs. 2,
amended.

2. Subsection 2 of section 104 of *The Assessment Act* is amended by striking out the words "city or town or township bordering on a city having a population of more than 50,000" in the third and fourth lines and inserting in lieu thereof the word "municipality," so that the said subsection shall now read as follows:

Preparation
of collector's
roll.

Rev. Stat.,
cc. 357,
362.

(2) Notwithstanding anything contained in subsection 1 or in *The Public Schools* or *Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property, taxable business and income, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums

EXPLANATORY NOTES.

SECTION 1. The purpose of this amendment is to enable municipalities to levy an income tax of $2\frac{1}{2}\%$ on the profits of a mine in excess of \$2,333,333.33 in place of the present rate of 1%.

SECTION 2. The purpose of this amendment is to extend to all municipalities the power to simplify the preparation of the collector's roll which is now exercised by cities, towns and suburban townships only.

ordered to be levied by the said council or school boards for the purposes thereof.

Rev. Stat.,
c. 272,
s. 113,
amended.

3. Section 113 of *The Assessment Act* is amended by adding thereto the following subsection:

Disposition
of part
payment of
taxes.

- (9) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.

Rev. Stat.,
c. 272,
s. 125,
amended.

4.—(1) Section 125 of *The Assessment Act* is amended by adding thereto the following subsection:

Application
for refund
of business
taxes.

- (5a) An application under clause *d* of subsection 1 may be made by any person in respect of taxes which have been paid in any municipality in which the assessment of business is made in the same year in which the rates of taxation thereon are levied, and upon any such application the court of revision, subject to the provisions of any by-law passed under subsection 6, may order the corporation to refund the whole or any portion of the taxes paid and the corporation shall refund the same accordingly.

Rev. Stat.,
c. 272,
s. 125,
subs. 6,
amended.

(2) Subsection 6 of the said section 125 is amended by inserting after the figure "5" in the third line the word and figure "or 5a", so that the said subsection shall now read as follows:

By-law
respecting
cancellations
and refunds,
etc.

- (6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clause *a*, *b* or *c* of subsection 1, or under subsection 5 or 5a, by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth.

Rev. Stat.,
c. 272,
s. 128,
subs. 1,
amended.

5. Subsection 1 of section 128 of *The Assessment Act* is amended by striking out the words "the treasurer" in the first line and inserting in lieu thereof the words "a commissioner for taking affidavits, a notary public or a justice of the peace," so that the said subsection shall now read as follows:

When taxes
not col-
lected, col-
lectors to be
credited
with
amount.

- (1) Upon making oath before a commissioner for taking affidavits, a notary public or a justice of the peace that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels subject to distress under section 114, whereon he

SECTION 3. Self-explanatory.

SECTION 4. These amendments will make it possible to obtain a refund of municipal business tax where, for instance, a taxpayer has paid his tax in advance and has not remained in business for the whole year for which such tax was paid.

SECTION 5. This amendment is corrective only. One person may now be clerk, treasurer, assessor and collector of a municipality.

could levy the same or any part thereof, the collector shall be credited with the amount not realized.

Rev. Stat.,
c. 272,
s. 133,
amended.

6. Section 133 of *The Assessment Act* is amended by inserting after the word "land" in the fourth line the words "for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes," so that the said section shall now read as follows:

Receiving
payments on
account of
arrears.

133. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after the land has been advertised for sale for arrears of taxes.

Rev. Stat.,
c. 272,
s. 156,
re-
enacted.

7. Section 156 of *The Assessment Act* is repealed and the following substituted therefor:

Treasurer
to prepare
list of lands
to be sold.

156.—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant and shall add thereto in a separate column a statement of the proportion of costs chargeable on each lot for advertising and for his commission or other lawful charges, distinguishing therein any of such lands which are unpatented or under lease or license of occupation from the Crown as "unpatented" or "under Crown lease" or "under Crown license," as the case may be, and such list shall contain a notice that unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place specified therein.

Publication
of list.

(2) Such list shall be published in the *Ontario Gazette* once during the month immediately preceding the period of time mentioned in section 157.

Publication
of notice of
sale.

(3) A notice stating that copies of the list of lands for sale for arrears of taxes may be had in the office of the treasurer and that such list has been published in the *Ontario Gazette* on the day specified in such notice and that unless the arrears of taxes and costs are sooner paid the treasurer will proceed to sell the lands on the day and at the place named therein, shall be published once a week for the thirteen weeks immediately preceding the day of sale in at least one newspaper published in the county or in the case of a union of counties in at least one newspaper

SECTION 6. See section 3 of this Bill. This amendment is complementary.

SECTION 7. This new section simplifies the advertising required to be done prior to holding a sale of lands for arrears of taxes.

In certain instances it is impossible to comply with the present requirements which are unnecessarily abstruse.

published in each county of the union, or where the sale is to be held by the treasurer of a municipality in at least one newspaper published in the municipality and if no newspaper is published in the county or municipality then in at least one newspaper published in an adjacent county or municipality.

Rev. Stat.,
c. 272,
s. 178,
subs. 2,
amended.

8. Subsection 2 of section 178 of *The Assessment Act* is amended by striking out the figure "2" in the sixteenth line and inserting in lieu thereof the figure "3," so that the said subsection shall now read as follows:

Notice to
incum-
brancer and
owner.

- (2) Subject to the provisions of subsections 2 and 3 of section 161, the treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

Rev. Stat.,
c. 272,
Form 5,
par. 1,
amended.
1937, c. 8.

9. Paragraph 1 of Form 5 of *The Assessment Act* is amended by inserting after the word "assessed" in the fourth line the words "in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*" and by striking out the words "at its actual value" in the fifth line, so that the said paragraph shall now read as follows:

1. I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be) and I have justly and truly assessed in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*, each of the parcels of real property so set down and according to the best of my information and belief I have entered the names of all owners and tenants assessable in respect of each such parcel.

Commence-
ment of Act.
Exception as
to s. 7.

10. This Act shall come into force on the day upon which it receives the Royal Assent, and section 7 shall have effect as from the 1st day of January, 1939.

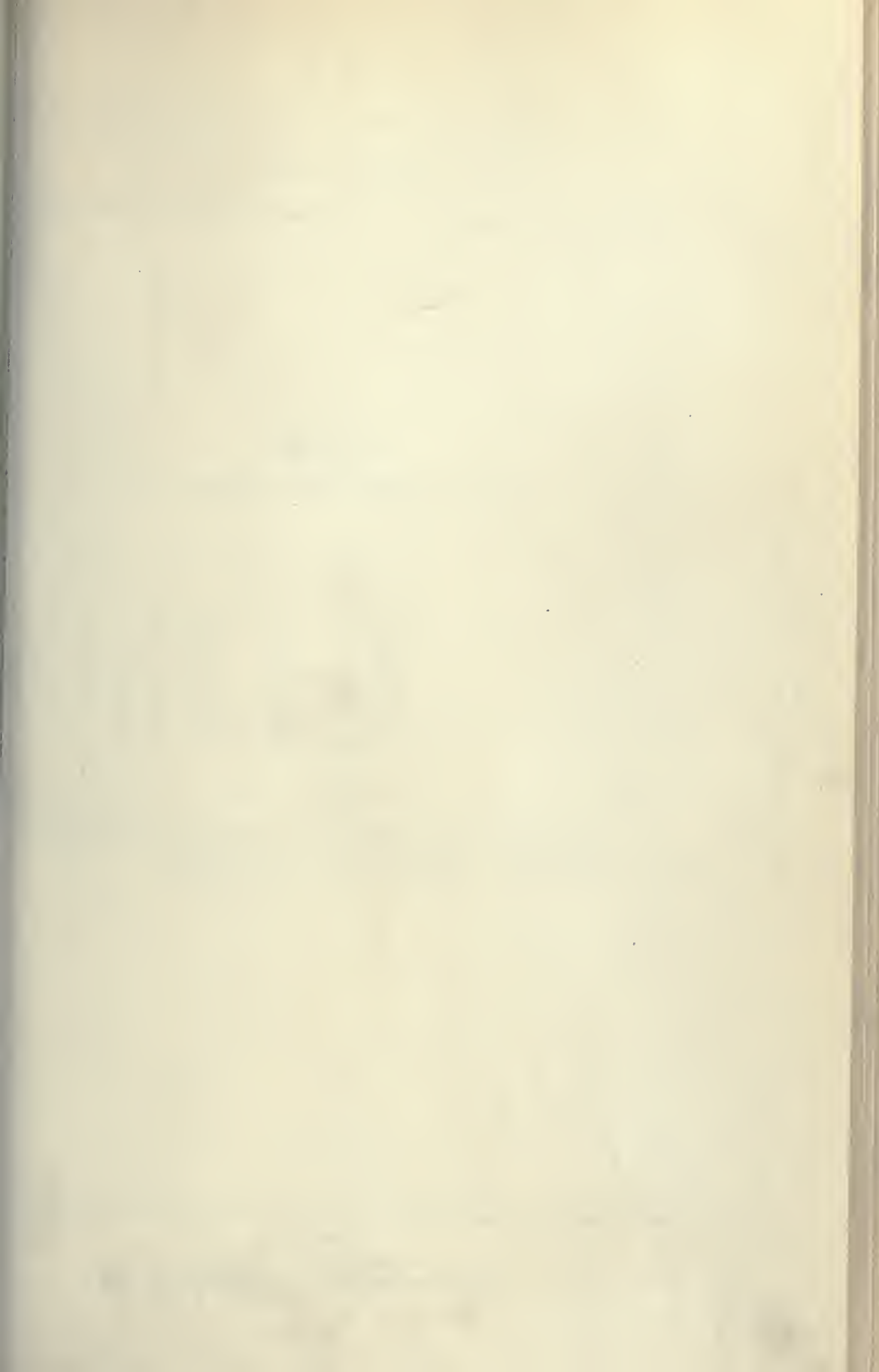
Short title.

11. This Act may be cited as *The Assessment Amendment Act, 1939*.

SECTION 8. Typographical correction only.

SECTION 9. At present Form 5 of *The Assessment Act* is inaccurate as all real estate is not assessed at its actual value.

SECTION 10. It is impossible to meet the present time requirement as to advertising with respect to Spring sales for arrears of taxes. The new section 156 of *The Assessment Act*, contained in section 7 of this Bill, is therefore made retroactive so that the current advertising will comply with the Statute.



BILL

An Act to amend The Assessment Act.

1st Reading

April 17th, 1939

2nd Reading

3rd Reading

MR. CROSS

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Assessment Amendment Act, 1939.

MR. CROSS

*(Reprinted for consideration by the Committee of the Whole House,
containing the sections of Bills 50 and 57 as approved and reported
by the Municipal Law Committee.)*

BILL

The Assessment Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 4,
par. 22,
amended.

1. Paragraph 22 of section 4 of *The Assessment Act* is amended by adding thereto the following clause:

Power to
pass by-law
respecting
farm lands
which cease
to be "wood-
lands."

- (b) The council of a town, village or township may by by-law provide that if any part of a farm exempted from taxation ceases to be used for forestry purposes or to be "woodlands" so as not to come within the purview of this paragraph, the assessor shall so report to the clerk who shall forthwith amend the collector's roll by inserting therein the rates or taxes with which such farm would have been chargeable for the preceding three years if such part of the farm had not been so exempt or such portion of such taxes or rates as the by-law may provide or the council may by resolution deem proper, and such rates or taxes or portion thereof shall be collectible in accordance with such amended roll.

Rev. Stat.,
c. 272, s. 23,
subs. 1,
cl. e,
amended.

2. Clause *e* of subsection 1 of section 23 of *The Assessment Act* is amended by adding at the end thereof the following words "provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals" so that the said clause shall now read as follows:

Each lot
to be
assessed.

- (e) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole or a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals.

Proviso.

EXPLANATORY NOTES.

SECTION 1. This is section 1 of Bill No. 50 as amended and approved by the Municipal Law Committee.

SECTION 2. It is considered that a portion of a building used as a residence for the purpose of a separate assessment should be more particularly defined in the case of cities.

This is section 1 of Bill No. 57 approved by the Municipal Law Committee.

Rev. Stat.,
c. 272, s. 39,
subs. 9, re-
enacted.

3. Subsection 9 of section 39 of *The Assessment Act* is repealed and the following substituted therefor:

Limited
municipal
tax on
income.

Rev. Stat.,
c. 28.

(9) Notwithstanding anything in this section contained the income tax payable to any municipality upon a mine or mining work liable to taxation under section 4 of *The Mining Tax Act* shall not exceed,—

- (a) one and one-half per centum of the amount of the annual profits upon which the tax payable under the said section 4 is based, up to and including \$2,333,333.33; and
- (b) two and one-half per centum of the annual profits upon which the tax payable under the said section 4 is based, which are in excess of \$2,333,333.33.

Rev. Stat.,
c. 272, s. 42,
subs. 1,
amended.

4. Subsection 1 of section 42 of *The Assessment Act* is amended by inserting after the word "lighting" in the thirteenth line the words "oiling, tarring, treating for dust," so that the said subsection shall now read as follows:

Exemption
of farm
lands from
taxation
for certain
expenditures.

- (1) In a town or village where lands, held and used as farm lands only and in blocks of not less than ten acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or village shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for waterworks, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of pavements and sewers or the lighting, oiling, tarring, treating for dust and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them.

Rev. Stat.,
c. 272, s. 60,
subs. 3,
amended.

5. Subsection 3 of section 60 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the eighth and tenth lines respectively and inserting in lieu thereof the word "ten," so that the said subsection shall now read as follows:

Appeals
to county
judge.

- (3) The county judge may sit from time to time throughout the year for the purpose of hearing appeals

SECTION 3. The purpose of this amendment is to enable municipalities to levy an income tax of $2\frac{1}{2}\%$ on the profits of a mine in excess of \$2,333,333.33 in place of the present rate of 1%.

SECTION 4. This is section 2 of Bill No. 50 as amended and approved by the Municipal Law Committee.

SECTION 5. It is considered that the present time of five days within which an appeal from the court of revision to the county judge may be taken is too short. The amendment provides for ten days, which is considered ample and is similar to the time allowed for appeals to the court of revision.

This is section 2 of Bill No. 57 approved by the Municipal Law Committee.

from the court of revision upon the determination of appeals made to the court with respect to each roll, and the time for appeal to the court of revision shall be within ten days after the last day fixed for the return of the roll for each ward or subdivision of a ward, and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision where it is given at the hearing of the appeal, and where it is reserved within ten days after written notice of such decision has been delivered to the appellant or sent to him by registered letter post by the clerk of the court.

Rev. Stat.,
c. 272,
s. 104,
subs. 2,
amended.

6.—(1) Subsection 2 of section 104 of *The Assessment Act* is amended by striking out the words "city or town or township bordering on a city having a population of more than 50,000" in the third and fourth lines and inserting in lieu thereof the word "municipality," so that the said subsection shall now read as follows:

Preparation
of collector's
roll.

Rev. Stat.,
cc. 357,
362.

(2) Notwithstanding anything contained in subsection 1 or in *The Public Schools* or *Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property, taxable business and income, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof.

Rev. Stat.,
s. 272, c. 104,
amended.

(2) The said section 104 is further amended by adding thereto the following subsection:

Certain
names to
be omitted
from
collector's
roll.

(6) Notwithstanding anything contained in this or any other Act, the council of any city having a population of more than 50,000 may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes.

Rev. Stat.,
c. 272,
s. 113,
amended.

7. Section 113 of *The Assessment Act* is amended by adding thereto the following subsection:

Disposition
of part
payment of
taxes.

(9) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.

SECTION 6.—(1) The purpose of this amendment is to extend to all municipalities the power to simplify the preparation of the collector's roll which is now exercised by cities, towns and suburban townships only.

SECTION 6.—(2) This amendment will effect a substantial financial saving to city municipalities and avoid the present confusion which results from delivering separate tax bills to all tenants of large office buildings, etc.

This is section 3 of Bill No. 57 approved by the Municipal Law Committee.

SECTION 7. Self-explanatory.

Rev. Stat.,
c. 272, s. 123,
subs. 8,
amended.

8. Subsection 8 of section 123 of *The Assessment Act* is amended by striking out the words "and no appeal shall lie from the decision of the county court judge on any such appeal" at the end thereof, so that the said subsection shall now read as follows:

Appeal
against
income
taxation.

- (8) A person whose name is entered in the special roll of taxable income shall not be entitled to notice of such entry, but, upon receipt from the collector of demand for payment of the said rate upon the amount for which he is taxable according to said roll, shall have in respect thereto the right of appeal provided in this Act in the case of assessments, but no such appeal shall relieve him from payment of any additional charge imposed for non-payment upon the date or dates fixed by the by-law of the said rate upon his taxable income as it may be fixed after such appeal.

Rev. Stat.,
c. 272,
s. 125,
amended.

9.—(1) Section 125 of *The Assessment Act* is amended by adding thereto the following subsection:

Application
for refund
of business
taxes.

- (5a) An application under clause *d* of subsection 1 may be made by any person in respect of taxes which have been paid in any municipality in which the assessment of business is made in the same year in which the rates of taxation thereon are levied, and upon any such application the court of revision, subject to the provisions of any by-law passed under subsection 6, may order the corporation to refund the whole or any portion of the taxes paid and the corporation shall refund the same accordingly.

Rev. Stat.,
c. 272,
s. 125,
subs. 6,
amended.

(2) Subsection 6 of the said section 125 is amended by inserting after the figure "5" in the third line the word and figure "or 5a", so that the said subsection shall now read as follows:

By-law
respecting
cancellations
and refunds,
etc.

- (6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clause *a*, *b* or *c* of subsection 1, or under subsection 5 or 5a, by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth.

Rev. Stat.,
c. 272,
s. 128,
subs. 1,
amended.

10. Subsection 1 of section 128 of *The Assessment Act* is amended by striking out the words "the treasurer" in the first line and inserting in lieu thereof the words "a commissioner for taking affidavits, a notary public or a justice of the peace," so that the said subsection shall now read as follows:

SECTION 8. This amendment will allow appeals in respect to income to the same extent as assessments of land are appealable.

This is section 4 of Bill No. 57 approved by the Municipal Law Committee.

SECTION 9. These amendments will make it possible to obtain a refund of municipal business tax where, for instance, a taxpayer has paid his tax in advance and has not remained in business for the whole year for which such tax was paid.

SECTION 10. This amendment is corrective only. One person may now be clerk, treasurer, assessor and collector of a municipality.

When taxes not collected, collectors to be credited with amount.

- (1) Upon making oath before a commissioner for taking affidavits, a notary public or a justice of the peace that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels subject to distress under section 114, whereon he could levy the same or any part thereof, the collector shall be credited with the amount not realized.

Rev. Stat., c. 272, s. 133, amended.

11. Section 133 of *The Assessment Act* is amended by inserting after the word "land" in the fourth line the words "for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes," so that the said section shall now read as follows:

Receiving payments on account of arrears.

133. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after the land has been advertised for sale for arrears of taxes.

Rev. Stat., c. 272, s. 156, re-enacted.

12. Section 156 of *The Assessment Act* is repealed and the following substituted therefor:

Treasurer to prepare list of lands to be sold.

- 156.—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant and shall add thereto in a separate column a statement of the proportion of costs chargeable on each lot for advertising and for his commission or other lawful charges, distinguishing therein any of such lands which are unpatented or under lease or license of occupation from the Crown as "unpatented" or "under Crown lease" or "under Crown license," as the case may be, and such list shall contain a notice that unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place specified therein.

Publication of list.

- (2) Such list shall be published in the *Ontario Gazette* once during the month immediately preceding the period of time mentioned in section 157.

Publication of notice of sale.

- (3) A notice stating that copies of the list of lands for sale for arrears of taxes may be had in the office of the treasurer and that such list has been published in the *Ontario Gazette* on the day specified in such notice and that unless the arrears of taxes and costs

SECTION 11. See section 7 of this Bill. This amendment is complementary.

SECTION 12. This new section simplifies the advertising required to be done prior to holding a sale of lands for arrears of taxes.

In certain instances it is impossible to comply with the present requirements which are unnecessarily abstruse.

are sooner paid the treasurer will proceed to sell the lands on the day and at the place named therein, shall be published once a week for the thirteen weeks immediately preceding the day of sale in at least one newspaper published in the county or in the case of a union of counties in at least one newspaper published in each county of the union, or where the sale is to be held by the treasurer of a municipality in at least one newspaper published in the municipality and if no newspaper is published in the county or municipality then in at least one newspaper published in an adjacent county or municipality.

Rev. Stat.,
c. 272,
s. 178,
subs. 2,
amended.

13. Subsection 2 of section 178 of *The Assessment Act* is amended by striking out the figure "2" in the sixteenth line and inserting in lieu thereof the figure "3," so that the said subsection shall now read as follows:

Notice to
incum-
brancer and
owner.

- (2) Subject to the provisions of subsections 2 and 3 of section 161, the treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

Rev. Stat.,
c. 272,
Form 5,
par. 1,
amended.

1937, c. 8.

14. Paragraph 1 of Form 5 of *The Assessment Act* is amended by inserting after the word "assessed" in the fourth line the words "in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*" and by striking out the words "at its actual value" in the fifth line, so that the said paragraph shall now read as follows:

1. I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be) and I have justly and truly assessed in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*, each of the parcels of real property so set down and according to the best of my information and belief I have entered the names of all owners and tenants assessable in respect of each such parcel.

SECTION 13. Typographical correction only.

SECTION 14. At present Form 5 of *The Assessment Act* is inaccurate as all real estate is not assessed at its actual value.

Commence-
ment of Act. **15.** This Act shall come into force on the day upon which
Exception as it receives the Royal Assent, and section 12 shall have effect
to s. 12. as from the 1st day of January, 1939.

Short title. **16.** This Act may be cited as *The Assessment Amendment Act, 1939*.

SECTION 15. It is impossible to meet the present time requirement as to advertising with respect to Spring sales for arrears of taxes. The new section 156 of *The Assessment Act*, contained in section 12 of this Bill, is therefore made retroactive so that the current advertising will comply with the Statute.

BILL

The Assessment Amendment Act, 1939.

1st Reading

April 17th, 1939

2nd Reading

April 21st, 1939

3rd Reading

MR. CROSS

(Reprinted for consideration by the Committee of the Whole House, containing the sections of Bills 50 and 57 as approved and reported by the Municipal Law Committee.)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Assessment Amendment Act, 1939.

MR. CROSS

BILL

The Assessment Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 4,
par. 22,
amended.

1. Paragraph 22 of section 4 of *The Assessment Act* is amended by adding thereto the following clause:

Power to
pass by-law
respecting
farm lands
which cease
to be "wood-
lands."

- (b) The council of a town, village or township may by by-law provide that if any part of a farm exempted from taxation ceases to be used for forestry purposes or to be "woodlands" so as not to come within the purview of this paragraph, the assessor shall so report to the clerk who shall forthwith amend the collector's roll by inserting therein the rates or taxes with which such farm would have been chargeable for the preceding three years if such part of the farm had not been so exempt or such portion of such taxes or rates as the by-law may provide or the council may by resolution deem proper, and such rates or taxes or portion thereof shall be collectible in accordance with such amended roll.

Rev. Stat.,
c. 272, s. 23,
subs. 1,
cl. e,
amended.

2. Clause *e* of subsection 1 of section 23 of *The Assessment Act* is amended by adding at the end thereof the following words "provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals" so that the said clause shall now read as follows:

Each lot
to be
assessed.

- (e) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole or a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals.

Proviso.

3. Subsection 9 of section 39 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 39, subs. 9, re-enacted.

- (9) Notwithstanding anything in this section contained the income tax payable to any municipality upon a mine or mining work liable to taxation under section 4 of *The Mining Tax Act* shall not exceed,— Limited municipal tax on income. Rev. Stat., c. 28.
- (a) one and one-half per centum of the amount of the annual profits upon which the tax payable under the said section 4 is based, up to and including \$2,333,333.33; and
 - (b) two and one-half per centum of the annual profits upon which the tax payable under the said section 4 is based, which are in excess of \$2,333,333.33.

4. Subsection 1 of section 42 of *The Assessment Act* is amended by inserting after the word "lighting" in the thirteenth line the words "oiling, tarring, treating for dust," so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 42, subs. 1, amended.

- (1) In a town or village where lands, held and used as farm lands only and in blocks of not less than ten acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or village shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for waterworks, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of pavements and sewers or the lighting, oiling, tarring, treating for dust and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them. Exemption of farm lands from taxation for certain expenditures.

5. Subsection 3 of section 60 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the eighth and tenth lines respectively and inserting in lieu thereof the word "ten," so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 60, subs. 3, amended.

- (3) The county judge may sit from time to time throughout the year for the purpose of hearing appeals Appeals to county judge.

from the court of revision upon the determination of appeals made to the court with respect to each roll, and the time for appeal to the court of revision shall be within ten days after the last day fixed for the return of the roll for each ward or subdivision of a ward, and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision where it is given at the hearing of the appeal, and where it is reserved within ten days after written notice of such decision has been delivered to the appellant or sent to him by registered letter post by the clerk of the court.

Rev. Stat.,
c. 272,
s. 104,
subs. 2,
amended.

6.—(1) Subsection 2 of section 104 of *The Assessment Act* is amended by striking out the words "city or town or township bordering on a city having a population of more than 50,000" in the third and fourth lines and inserting in lieu thereof the word "municipality," so that the said subsection shall now read as follows:

Preparation
of collector's
roll.

Rev. Stat.,
cc. 357,
362.

(2) Notwithstanding anything contained in subsection 1 or in *The Public Schools* or *Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property, taxable business and income, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof.

Rev. Stat.,
s. 272, c. 104,
amended.

(2) The said section 104 is further amended by adding thereto the following subsection:

Certain
names to
be omitted
from
collector's
roll.

(6) Notwithstanding anything contained in this or any other Act, the council of any city having a population of more than 50,000 may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes.

Rev. Stat.,
c. 272,
s. 113,
amended.

7. Section 113 of *The Assessment Act* is amended by adding thereto the following subsection:

Disposition
of part
payment of
taxes.

(9) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.

8. Subsection 8 of section 123 of *The Assessment Act* is amended by striking out the words "and no appeal shall lie from the decision of the county court judge on any such appeal" at the end thereof, so that the said subsection shall now read as follows:

- (8) A person whose name is entered in the special roll of taxable income shall not be entitled to notice of such entry, but, upon receipt from the collector of demand for payment of the said rate upon the amount for which he is taxable according to said roll, shall have in respect thereto the right of appeal provided in this Act in the case of assessments, but no such appeal shall relieve him from payment of any additional charge imposed for non-payment upon the date or dates fixed by the by-law of the said rate upon his taxable income as it may be fixed after such appeal.

9.—(1) Section 125 of *The Assessment Act* is amended by adding thereto the following subsection:

- (5a) An application under clause *d* of subsection 1 may be made by any person in respect of taxes which have been paid in any municipality in which the assessment of business is made in the same year in which the rates of taxation thereon are levied, and upon any such application the court of revision, subject to the provisions of any by-law passed under subsection 6, may order the corporation to refund the whole or any portion of the taxes paid and the corporation shall refund the same accordingly.

(2) Subsection 6 of the said section 125 is amended by inserting after the figure "5" in the third line the word and figure "or 5a", so that the said subsection shall now read as follows:

- (6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clause *a*, *b* or *c* of subsection 1, or under subsection 5 or 5a, by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth.

10. Subsection 1 of section 128 of *The Assessment Act* is amended by striking out the words "the treasurer" in the first line and inserting in lieu thereof the words "a commissioner for taking affidavits, a notary public or a justice of the peace," so that the said subsection shall now read as follows:

When taxes
not col-
lected, col-
lectors to be
credited
with
amount.

- (1) Upon making oath before a commissioner for taking affidavits, a notary public or a justice of the peace that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels subject to distress under section 114, whereon he could levy the same or any part thereof, the collector shall be credited with the amount not realized.

Rev. Stat.,
c. 272,
s. 133,
amended.

11. Section 133 of *The Assessment Act* is amended by inserting after the word "land" in the fourth line the words "for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes," so that the said section shall now read as follows:

Receiving
payments on
account of
arrears.

133. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after the land has been advertised for sale for arrears of taxes.

Rev. Stat.,
c. 272,
s. 156,
re-
enacted.

12. Section 156 of *The Assessment Act* is repealed and the following substituted therefor:

Treasurer
to prepare
list of lands
to be sold.

- 156.—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant and shall add thereto in a separate column a statement of the proportion of costs chargeable on each lot for advertising and for his commission or other lawful charges, distinguishing therein any of such lands which are unpatented or under lease or license of occupation from the Crown as "unpatented" or "under Crown lease" or "under Crown license," as the case may be, and such list shall contain a notice that unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place specified therein.

Publication
of list.

- (2) Such list shall be published in the *Ontario Gazette* once during the month immediately preceding the period of time mentioned in section 157.

Publication
of notice of
sale.

- (3) A notice stating that copies of the list of lands for sale for arrears of taxes may be had in the office of the treasurer and that such list has been published in the *Ontario Gazette* on the day specified in such notice and that unless the arrears of taxes and costs

are sooner paid the treasurer will proceed to sell the lands on the day and at the place named therein, shall be published once a week for the thirteen weeks immediately preceding the day of sale in at least one newspaper published in the county or in the case of a union of counties in at least one newspaper published in each county of the union, or where the sale is to be held by the treasurer of a municipality in at least one newspaper published in the municipality and if no newspaper is published in the county or municipality then in at least one newspaper published in an adjacent county or municipality.

13. Subsection 2 of section 178 of *The Assessment Act* is amended by striking out the figure "2" in the sixteenth line and inserting in lieu thereof the figure "3," so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 178, subs. 2, amended.

- (2) Subject to the provisions of subsections 2 and 3 of section 161, the treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice. Notice to incumbrancer and owner.

14. Paragraph 1 of Form 5 of *The Assessment Act* is amended by inserting after the word "assessed" in the fourth line the words "in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*" and by striking out the words "at its actual value" in the fifth line, so that the said paragraph shall now read as follows: Rev. Stat., c. 272, Form 5, par. 1, amended. 1937, c. 8.

1. I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be); and I have justly and truly assessed in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*, each of the parcels of real property so set down and according to the best of my information and belief I have entered the names of all owners and tenants assessable in respect of each such parcel.

Commence-
ment of Act. **15.** This Act shall come into force on the day upon which
Exception as it receives the Royal Assent, and section 12 shall have effect
to s. 12. as from the 1st day of January, 1939.

BILL

The Assessment Amendment Act, 1939.

1st Reading

April 17th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 26th, 1939

MR. CROSS

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Drainage Law Amendment Act, 1939.

MR. CAMPBELL (Sault Ste. Marie)

BILL

The Drainage Law Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 350, s. 38,
subs. 1,
amended.

1.—(1) Subsection 1 of section 38 of *The Ditches and Water-courses Act* is amended by striking out the words "referee appointed under the drainage laws of Ontario, whose judgment" in the second, third and fourth lines and inserting in lieu thereof the words "Ontario Municipal Board, the judgment of which," by striking out the word "referee" in the fifth line and inserting in lieu thereof the words "Ontario Municipal Board" and by striking out the word "him" in the sixth line and inserting in lieu thereof the word "it," so that the said subsection shall now read as follows:

Appeals to
Ontario
Municipal
Board.

- (1) Any owner affected by an award under this Act may appeal from the judgment of the judge to the Ontario Municipal Board, the judgment of which shall be final and conclusive, but no such appeal shall lie unless and until leave shall have been given by the Ontario Municipal Board upon an application made to it within fifteen days from the date of the judgment.

Rev. Stat.,
c. 350, s. 38,
subs. 2,
amended.

(2) Subsection 2 of the said section 38 is amended by striking out the word "referee" where it occurs in the third, sixth and ninth lines respectively and inserting in lieu thereof the words "Ontario Municipal Board," and by striking out the word "him" in the fourth line and inserting in lieu thereof the word "it," so that the said subsection shall now read as follows:

Application
of Rev. Stat.,
c. 278.

- (2) For the purpose of giving or refusing leave to appeal or hearing and disposing of an appeal after leave given, the Ontario Municipal Board shall have similar powers to those conferred upon it by *The Municipal Drainage Act*, and the rules of practice under that Act shall apply so far as applicable to appeals to the Ontario Municipal Board under this

EXPLANATORY NOTES.

The Bill abolishes the offices of Drainage Referee, of which there are two, appointed under the provisions of *The Municipal Drainage Act*. The powers of the referees are vested in the Ontario Municipal Board. It is to be observed that section 16 of *The Ontario Municipal Board Act* permits the Board or the chairman thereof to authorize any one of the members to report to the Board upon any question or matter arising in connection with the business of the Board and that the member so authorized has all the powers of the Board for the purpose of taking evidence and acquiring the necessary information for such report.

SECTION 1 amends *The Ditches and Watercourses Act* so as to vest in the Board the powers which the Drainage Referees now possess.

Act, and upon leave to appeal being given, proceedings upon the award or upon the judgment of the judge shall be stayed unless otherwise ordered by the Ontario Municipal Board.

1938, c. 15,
s. 2, cl. i,
repealed.

2. Clause *i* of section 2 of *The Grand River Conservation Act, 1938*, is repealed.

1938, c. 15,
s. 18, subss.
3, 5, 6, 7, 8,
amended.

3. Section 18 of *The Grand River Conservation Act, 1938*, is amended by striking out the word "referee" where it occurs in subsections 3, 5, 6, 7 and 8 and inserting in lieu thereof the words "Ontario Municipal Board," by striking out the word "his" in the second line of subsection 7 and inserting in lieu thereof the word "its," and by striking out the word "he" where it occurs in the third and fifth lines of subsection 7 respectively and inserting in lieu thereof the word "it," so that the said subsections shall now read as follows:

Amount of
compensa-
tion.

- (3) In determining what amount of money is fair compensation for damage occasioned, the board of engineers, and on an appeal, the Ontario Municipal Board, shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Appeal to
Ontario
Municipal
Board.

- (5) Any applicant who is dissatisfied with the report of the board of engineers may within one month of the mailing of a copy of the report, appeal to the Ontario Municipal Board by sending a notice in writing of his desire to appeal to the Commission by prepaid registered mail.

Arrange-
ments for
appeal.

- (6) Upon receipt of such notice of appeal the Commission shall cause all necessary arrangements to be made for the hearing of the appeal by the Ontario Municipal Board and shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

Hearing of
appeal.

- (7) The Ontario Municipal Board may hear and determine the appeal in a summary manner either on its own view of the premises and after hearing the parties and if it sees fit, their witnesses, or upon the report of an independent engineer appointed by the Ontario Municipal Board, or it may direct the parties to proceed under the provisions of *The*

SECTIONS 2 and 3 amend *The Grand River Conservation Act, 1938*, so as to vest in the Board the powers which the Drainage Referee appointed for that part of Ontario now possesses. Section 2 repeals the definition of "referee" and section 3 provides for the substitution of the words "Ontario Municipal Board" wherever the word "referee" appears in that Act.

Rev. Stat.,
c. 278.

Municipal Drainage Act, and the order of the Ontario Municipal Board as to the method of procedure shall be final.

Rev. Stat.,
c. 278 to
apply.

- (8) Upon an appeal taken to the Ontario Municipal Board under the provisions of this section, the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* but the powers of the Ontario Municipal Board shall be limited to fixing the amount of compensation and enforcing payment thereof.

Rev. Stat.,
c. 278, s. 1,
amended.

- 4.—(1) Section 1 of *The Municipal Drainage Act* is amended by adding thereto the following clause:

“Board.”

- (a) “Board” shall mean Ontario Municipal Board;

and by re-lettering the present clause *a* as clause *aa*.

Rev. Stat.,
c. 278,
s. 1, cl. *k*,
repealed.

- (2) Clause *k* of the said section 1 is repealed.

Rev. Stat.,
c. 278, s. 84,
amended.

5. Section 84 of *The Municipal Drainage Act* is amended by striking out the word “injuries” in the first line and inserting in lieu thereof the word “injures,” so that the said section shall now read as follows:

Penalty
for injury
to embank-
ments, etc.

84. Any person who obstructs, fills up or injures any drainage work, or destroys, cuts or injures any embankment of any pumping works, or of any other drainage work, in addition to his liability in civil damages therefor, upon the complaint of the council of the municipality or of any person affected by such obstructing, filling up, destroying, cutting or injuring, upon summary conviction thereof, shall incur a penalty of not less than \$5 nor more than \$100 and shall also be liable to imprisonment for any term not exceeding six months, and in default of payment of such penalty shall further be liable to imprisonment for any term not exceeding three months.

Rev. Stat.,
c. 278, s. 93,
repealed.

6. Section 93 of *The Municipal Drainage Act* is repealed.

Rev. Stat.,
c. 278,
amended.

7. *The Municipal Drainage Act* is further amended by striking out the words “referee” and “referee’s” wherever either of them occurs, except in the second line of subsection 1 of section 94, and inserting in lieu thereof the words “Board” and “Board’s” respectively, and by striking out the words “he,” “him,” “himself,” “his” and “who” wherever any of them occurs and relates to a referee appointed under the said Act and inserting in lieu thereof the word “it” where the

SECTIONS 4 to 7 amend *The Municipal Drainage Act* so as to abolish the provisions for the appointment of referees and to vest the powers of the referees in the Ontario Municipal Board. Section 4 provides for the inclusion in that Act of a definition of Board which is defined to mean the Ontario Municipal Board and repeals the definition of "referee"; Section 5 corrects a typographical error by substituting "injures" for "injuries"; Section 6 repeals the section of *The Municipal Drainage Act* which provides for the appointment of referees; and Section 7 substitutes the word "Board" for the word "referee" and makes appropriate changes in other inflections of "referee" and in pronouns referring to the referee.

word stricken out is "he," "him" or "himself," the word "its" where the word stricken out is "his" and the word "which" where the word stricken out is "who."

Commence-
ment of Act.

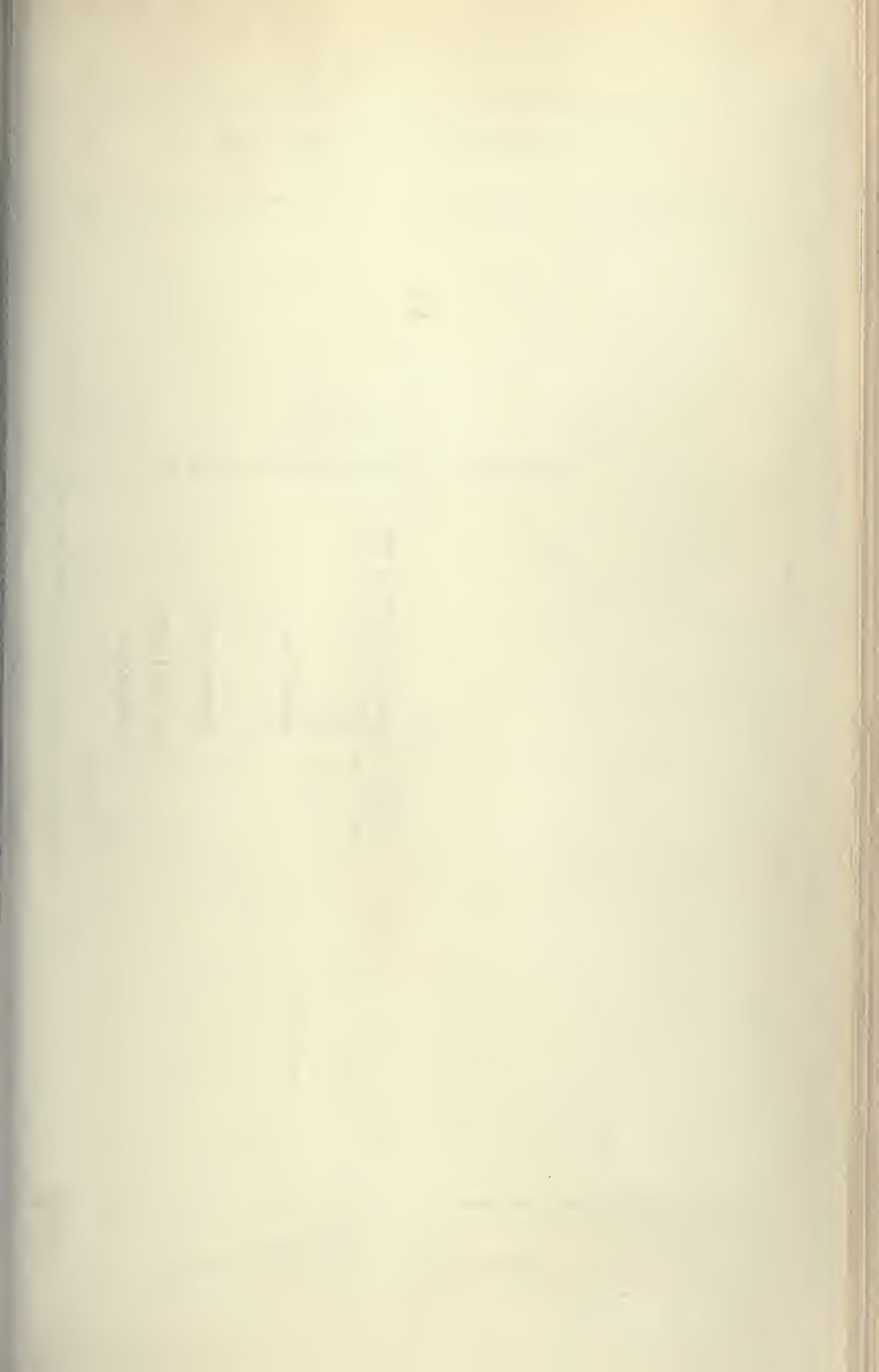
8. This Act shall come into force on the day upon which it receives the Royal Assent, provided that the amendments effected by this Act shall not affect any proceedings before or appeals from a referee appointed under *The Municipal Drainage Act* which are pending at the time of the coming into force of this Act and every order heretofore made, and in the case of any such pending proceeding, every order hereafter made by any such referee shall, subject to any appeal provided by the Act under which the order is made, continue in full force and effect notwithstanding any of the provisions of this Act.

Short title.

9. This Act may be cited as *The Drainage Law Amendment Act, 1939*.

SECTION 8 provides that the Act shall come into force on the day upon which it receives the Royal Assent but exempts proceedings before or appeals from a referee which are now pending from the operation of the Act. It also removes any doubt as to the continuing effect, after the coming into force of this Act, of any order made by a referee prior to the coming into force of this Act.





BILL

The Drainage Law Amendment Act, 1939.

1st Reading

April 17th, 1939

2nd Reading

3rd Reading

MR. CAMPBELL (Sault Ste. Marie)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Liquor Control Act.

MR. HEPBURN (Elgin)

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 294, s. 5,
amended.

1. Section 5 of *The Liquor Control Act* is amended by adding thereto the following subsection,—

Seat in
Assembly
not vacated.

Rev. Stat.,
c. 12.

(2) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting as a member of the Assembly.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Liquor Control Amendment Act, 1939*.

EXPLANATORY NOTE.

The Bill permits a member of the Assembly to act as the Chairman or a member of the Liquor Control Board.

BILL

An Act to amend The Liquor Control Act.

1st Reading

April 17th, 1939

2nd Reading

3rd Reading

MR. HEPBURN (Elgin)

No. 93

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act to amend The Liquor Control Act.

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Liquor Control Amendment Act, 1939*.

BILL

An Act to amend The Liquor Control Act.

1st Reading

April 17th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

Mr. HEPBURN (Elgin)

No. 94

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Statute Law Amendment Act, 1939.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Statute Law Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 183, s. 17,
re-enacted.

1. Section 17 of *The Assignment of Book Debts Act* is repealed and the following substituted therefor:

Fees.

17. For services under this Act each proper officer shall be entitled to receive the following fees:

1. For filing and registering an assignment,—fifty cents.
2. For filing and registering a certificate of discharge,—fifty cents.
3. For a general search,—twenty-five cents.
4. For any certificate of registration or discharge or other certificate for purposes of this Act,—twenty-five cents.
5. For copy of any document filed under this Act including certificate, every one hundred words,—ten cents.

Rev. Stat.,
c. 181, s. 36,
re-enacted.

2. Section 36 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor:

Schedule
of fees.

36. For services under this Act the officers shall be entitled to the following fees,—

- (a) for registering each instrument or copy or renewal statement, fifty cents;
- (b) for registering an assignment, fifty cents;
- (c) for registering a certificate of discharge, fifty cents;

EXPLANATORY NOTES.

SECTION 1. Section 17 of *The Assignment of Book Debts Act* dealing with fees is repealed and a new schedule of fees is substituted.

SECTION 2. Section 36 of *The Bills of Sale and Chattel Mortgage Act* dealing with fees is repealed and a new schedule of fees is substituted.

- (d) for a general search or for a search as to any particular person, twenty-five cents;
- (e) for production and inspection of any instrument or document, ten cents;
- (f) for copies of any instrument or document and certifying the same, ten cents for every hundred words;
- (g) for a certificate of registration of any instrument given at the time of registration, twenty-five cents.

Rev. Stat.,
c. 251, s. 24,
subs. 1, cl. g,
amended.

3.—(1) Clause g of subsection 1 of section 24 of *The Companies Act* is amended by inserting after the word "insurance" in the seventh line the words "or for any object similar to those set forth in this clause," so that the said clause shall now read as follows:

- (g) establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this clause, and subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

Rev. Stat.,
c. 251, s. 300,
cl. g,
amended.

(2) Clause g of subsection 1 of section 300 of *The Companies Act* is amended by adding at the end thereof the words "but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of the *National Housing Act* (Canada), or any amendments thereto," so that the said clause shall now read as follows:

Real estate.

- (g) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an

SECTION 3.—(1) The amendment removes doubt as to the power of a company to make payments to pension schemes for the benefit of employees.

(2) The amendment empowers insurance companies incorporated under the laws of Ontario to make loans under the *National Housing Act* (Canada).

insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of the *National Housing Act* (Canada), or any amendments thereto.

See R.S.C.,
c. 101, s. 54,
subs. 2,
cl. b.

Rev. Stat.,
c. 182, s. 4,
re-enacted.

4. Section 4 of *The Conditional Sales Act* as amended by section 4 of *The Conditional Sales Amendment Act, 1938*, is repealed and the following substituted therefor:

Fees.

4. The clerk of the county or district court shall make a record of every contract or renewal statement of which a copy is filed in his office under this Act in an index book to be kept for that purpose and shall be entitled to the following fees for services under this Act:

- (a) for filing each copy of a contract or renewal statement and making a record thereof.....\$.50
- (b) for filing each discharge or assignment and making a record thereof..... .50
- (c) for a general search..... .25
- (d) for the production or inspection of any copy or document filed..... .10
- (e) for copies of or extracts from any copy or document filed, whether made by the person making the search or by the clerk, per hundred words..... .10
- (f) for a certificate of the filing of or identifying any copy or document filed giving time, date and number of filing when required, or any other proper certificate not otherwise provided for..... .50

Rev. Stat.,
c. 21, s. 4,
amended.

5. Section 4 of *The Consolidated Revenue Fund Act* is amended by adding thereto the following subsection:

Settlement
and refund-
ing of
municipal
debentures.

- (4) Where a municipality fails to pay any debentures held by the Treasurer or interest thereon as the same becomes due, the Treasurer may negotiate and accept a settlement in payment and satisfaction of such indebtedness and may exchange such debenture for a new debenture issued by such municipality payable at such time or times and upon such terms as may be agreed.

SECTION 4. Section 4 of *The Conditional Sales Act* dealing with fees is repealed and a new schedule of fees is substituted.

SECTION 5. This amendment enables the Treasurer of Ontario to negotiate a settlement with a municipality with respect to its debentures held by the Treasurer, and to exchange such debentures for new debentures.

Rev. Stat.,
c. 59, s. 1,
cl. d,
amended.

6.—(1) Clause *d* of section 1 of *The Department of Municipal Affairs Act* is amended by inserting after the word “purposes” where it occurs the second time in the ninth line the words “other than separate school purposes,” so that the said clause shall now read as follows:

“Local
board.”

(*d*) “Local board” shall mean and include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes other than separate school purposes, of a municipality or of two or more municipalities or portions thereof.

Rev. Stat.,
c. 59, s. 23,
amended.

(2) Section 23 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause:

“Sheriff’s
office.”

(*cc*) “Sheriff’s office” shall mean the office of the sheriff for the county or district in which a municipality subject to this Part is situate.

Rev. Stat.,
c. 59, s. 24,
subs. 3, re-
enacted.

(3) Subsection 3 of section 24 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

Separate
school
board.

(3) Upon request expressed by resolution of the separate school board of any municipality which has not been made subject to this Part, the Board may exercise with respect to such separate school board the powers conferred by this Part, provided that the Board shall not vest in the Department control and charge over the administration of the affairs of any such separate school board.

Rev. Stat.,
c. 59, s. 43,
subs. 4,
amended.

(4) Subsection 4 of section 43 of *The Department of Municipal Affairs Act* is amended by inserting after the word “office” in the fifth line the words “and the sheriff’s office,” so that the said subsection shall now read as follows:

Notice of
registration
of certifi-
cate.

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry office and the sheriff’s office to have an interest therein a written notice (Form 2), of the registration of such certificate and of the last day for redemption of such land.

SECTION 6.—(1) and (3) The purpose of these amendments is to make clear that the debts of a separate school board may be dealt with by the Municipal Board without requiring the separate school board to be supervised by the Department of Municipal Affairs.

(2), (4) and (5) At the present time notice of the registration of a tax arrears certificate is sent to the incumbrancers, as disclosed by a search in the registry office only. It is considered that the existing practice in connection with tax sales proceedings should be adopted (*The Assessment Act*, s. 178 (1) and (2)), and notice sent as well to persons having an interest in the lands affected, as disclosed by a search in the sheriff's office.

Rev. Stat.,
c. 59, s. 44,
subs. 1,
amended.

(5) Subsection 1 of section 44 of *The Department of Municipal Affairs Act* is amended by inserting after the word "office" in the second line the words "or the sheriff's office," so that the said subsection shall now read as follows:

Right of
redemption.

- (1) The owner of or any person appearing by the records of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, together with the amount of all expenses incurred by the corporation and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 43, and also by paying to the corporation all taxes including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 59, s. 45,
subs. 1,
amended.

(6) Subsection 1 of section 45 of *The Department of Municipal Affairs Act* is amended by striking out the word and figures "and 45" in the second line and inserting in lieu thereof the word and figures "44 and 47," so that the said subsection shall now read as follows:

Duty of
registrar.

- (1) Every certificate registered under sections 43, 44 and 47 shall be entered by the registrar in the registry book in its proper order and in the proper abstract index provided under *The Registry Act*.

Rev. Stat.,
c. 59, s. 45,
o. 170.

Rev. Stat.,
c. 59, s. 45,
amended.

(7) The said section 45 is further amended by adding thereto the following subsection:

(6) Typographical correction only.

(7) Complementary to subsections (2), (4) and (5) of section 6 of this Bill.

Certificate
of sheriff.

- (2a) The sheriff shall issue a certificate with respect to each name searched under section 43 for which he shall be entitled to a fee of twenty-five cents.

Rev. Stat.,
c. 59, s. 46,
amended.

- (8) Section 46 of *The Department of Municipal Affairs Act* is amended by striking out the figures "45" in the third and fifth lines respectively and inserting in lieu thereof the figures "47," so that the said section shall now read as follows:

Registra-
tion of cer-
tificates.

46. Where lands to which section 43 applies are registered in a land titles office, the certificates which may be registered under the provisions of sections 43, 44 and 47 shall be registered in the proper land titles office and the provisions of the said sections 43, 44 and 47 shall, *mutatis mutandis*, apply to lands entered in a land titles office.

Rev. Stat.,
c. 107, s. 80,
amended.

7. Section 80 of *The Division Courts Act* is amended by striking out the word "substantial" in the first line and inserting in lieu thereof the word "substitutional," so that the said section shall now read as follows:

Substitu-
tional
service.

80. The judge may make an order for substitutional service or for service by advertisement or otherwise.

Rev. Stat.,
c. 8, s. 5,
amended.

8. Subsection 1 of section 5 of *The Election Act* is amended by striking out the words "of at least ten years' standing at the Bar of Ontario" in the second and third lines, so that the said subsection shall now read as follows:

Appoint-
ment of
Chief
Election
Officer.

- (1) The Lieutenant-Governor in Council shall appoint some person being a barrister, and a permanent officer of the Legislature or of the Assembly or otherwise employed in the public service, to be Chief Election Officer and may appoint some other person possessing the like qualifications to be Assistant Chief Election Officer.

Rev. Stat.,
c. 125, s. 28,
amended.

9. Section 28 of *The Execution Act* is amended by striking out the words and figures "or of a certificate under section 27" in the first and second lines, and by inserting after the word "cents" in the third line the words and figures "and for the registration of a certificate under section 27 to the fee provided by *The Registry Act*" so that the said section shall now read as follows:

Fees of
registrar
and sheriff.

28. For the registration of a notice under section 24 the registrar or master shall be entitled to a fee of fifty cents, and for the registration of a certificate under section 27 to the fee provided by *The Registry Act*, and for every notice of seizure under section 24

Rev. Stat.,
c. 170.

(8) Typographical correction only.

SECTION 7. This is the correction of a typographical error.

SECTION 8. The subsection prescribes the qualifications of the Chief Election Officer, among which is the requirement that he must be a barrister of at least ten years' standing at the Bar of Ontario. The amendment eliminates the ten-year qualifying provision.

SECTION 9. As a fee of 50 cents for registration of a certificate under section 27 is prescribed by this section and a fee of \$1.50 is prescribed for the same thing by *The Registry Act*, the fee here prescribed is replaced by a reference to *The Registry Act*.

the sheriff shall be entitled to a fee of \$1, and for every certificate under section 27 to a fee of seventy-five cents.

Rev. Stat.,
c. 194, s. 82,
subs. 1, cl. a,
amended.

10.—(1) Clause *a* of subsection 1 of section 82 of *The Factory, Shop and Office Building Act* is amended by inserting after the word "shops" in the third line the words "hair-dressing shops, beauty parlours and shoe repair shops," so that the said clause shall now read as follows:

"Shop."

(a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, hair-dressing shops, beauty parlours and shoe repair shops, but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

Rev. Stat.,
c. 194, s. 82,
subs. 3,
amended.

(2) Subsection 3 of the said section 82 is amended by striking out all the words after the word "day" in the seventh line so that the said subsection shall now read as follows:

By-law
determining
hours of
closing.

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

Commence-
ment of
*Farm Products
Control Amend-
ment Act, 1939.*

11. The amendments made to *The Farm Products Control Act* at this session of the Legislature shall come into force on the day upon which they receive the Royal Assent.

Rev. Stat.,
c. 384, s. 5,
amended.

12. Section 5 of *The Female Refuges Act* is amended by striking out the words "who proves unmanageable or incorrigible" in the second line, so that the said section shall now read as follows:

Transfer to
gaol or
reformatory.

5. The inspector may direct the removal of any inmate from an industrial refuge to a common gaol or to the Andrew Mercer Ontario Reformatory for Females.

Rev. Stat.,
c. 56, s. 33,
amended.

13. Section 33 of *The Highway Improvement Act* is amended by striking out the words "and Highways" where they occur in the ninth and twelfth lines respectively, so that the said section shall now read as follows:

Procedure
on expro-
priation
of land.

33. Where, in the exercise of its powers or in the performance of its obligations under this Act, the

SECTION 10.—(1) The amendment adds to the definition of "Shop" contained in Part II of *The Factory, Shop and Office Building Act* the words "hair-dressing shops, beauty parlours and shoe repair shops."

(2) This amendment repeals the provision exempting fruit stores from early closing by-laws.

SECTION 11. The amendments effected by *The Farm Products Control Amendment Act, 1939*, will come into force on the day upon which they receive the Royal Assent.

SECTION 12. Section 5 permits the inspector to remove an inmate from an industrial refuge to the common gaol or to the Andrew Mercer Ontario Reformatory for Females where such female proves unmanageable or incorrigible. The amendment effected by this section permits the transfer of any inmate whether or not she proves unmanageable or incorrigible.

SECTION 13. This amendment is necessary as "Minister" under *The Public Works Act* is defined "Minister of Public Works."

Rev. Stat.,
cc. 266, 54.

corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works, as set out in the said *The Public Works Act* may be exercised and performed in the name of the corporation of the county.

Rev. Stat.,
c. 385, s. 12,
subs. 1,
amended.

14. Subsection 1 of section 12 of *The Houses of Refuge Act* is amended by striking out the word "six" in the thirteenth line and inserting in lieu thereof the word "four," so that the said subsection shall now read as follows:

Transfer of
property to
corporation
by inmates
of houses
of refuge.

- (1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of four per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand.

Rev. Stat.,
c. 100, s. 16,
amended.

15.—(1) Section 16 of *The Judicature Act* is amended by adding thereto the following subsections:

Actions
restraining
publication
of articles
or pictures
insulting
His Majesty.

- (2a) An action may be brought in the Supreme Court by or on behalf of the Attorney-General for an injunction or mandamus restraining the publication of any newspaper, publication, pamphlet, magazine, periodical or other printed matter whatsoever containing any writing, article or picture tending to insult, degrade, revile or expose to hatred, contempt, ridi-

SECTION 14. The rate of interest chargeable on trust funds of deceased inmates of houses of refuge is reduced from six per centum to four per centum to conform more closely with prevailing rates.

SECTION 15.—(1), (2) and (3) The amendment permits the bringing of an action in the Supreme Court by or on behalf of the Attorney-General to prevent the publication of any newspaper, publication, pamphlet, magazine, periodical or other printed matter containing any writing, article or picture tending to insult, degrade, revile or expose to hatred, contempt, ridicule or mockery His Majesty or any member of the Royal family.

cule or mockery His Majesty or any member of the Royal Family.

(2b) The Court may in addition to making such order require the defendant to enter into a recognizance in such sum and during such term as the Court may require to carry out the terms of such order and to refrain from the publication of any writings or articles of a like nature.

(2c) Upon the making of such order the Attorney-General may cause a copy thereof to be served personally upon any person, and if such person after such service publishes any such article or writing he shall be liable for contempt to the same extent as if he were a party to the proceedings.

Rev. Stat.,
c. 100, s. 16,
subs. 3,
re-enacted.

(2) Subsection 3 of the said section 16 is repealed and the following substituted therefor:

Against
whom
action may
be brought.

(3) An action under subsection 2 or 2a may be brought against anyone printing, publishing or distributing any publication of the kind mentioned in subsection 2 or 2a.

Rev. Stat.,
c. 100, s. 16,
subs. 4,
re-enacted.

(3) Subsection 4 of the said section 16 is repealed and the following substituted therefor:

Power of
judge.

(4) In any action brought under subsection 2, 2a, or 3 the judge may on such material as he sees fit grant an interlocutory injunction or mandamus.

Rev. Stat.,
c. 100, s. 53,
amended.

(4) Section 53 of *The Judicature Act* is amended by inserting after the word "trustees" in the second line the words "or body corporate created or established by a municipal corporation pursuant to statutory authority," and by inserting after the word "bridge" in the fourth line, the words "or for damages in respect of injuries sustained by reason of the default or negligence of the corporation or body corporate in the exercise of its corporate duties or powers," so that the said section shall now read as follows:

Certain
actions
against
municipal-
ities, etc.,
to be tried
without a
jury and
venue to be
local.

53. Actions against a municipal corporation or board of police trustees or body corporate created or established by a municipal corporation pursuant to statutory authority for damages in respect of injuries sustained by reason of the default of the corporation in keeping in repair a highway or bridge or for damages in respect of injuries sustained by reason of the default or negligence of the corporation or body corporate in the exercise of its corporate duties

(4) The provision which requires certain actions against a municipal corporation or board of police trustees to be tried without a jury is amended to include actions against a body corporate created or established by a municipal corporation pursuant to a statutory authority and is also extended to include other types of actions.

or powers shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county which constitutes the municipality or in which the municipality or police village is situate.

Rev. Stat.,
c. 100,
amended. (5) *The Judicature Act* is amended by adding thereto the following section:

Excluding
public from
court.

76a. When the judge presiding at the hearing or trial of any cause or matter deems it to be in the interest of public decency and morals, he may order that the public shall be excluded from the court.

Rev. Stat.,
c. 108, s. 42,
subs. 1,
amended.

16.—(1) Subsection 1 of section 42 of *The Jurors Act* is amended by inserting after the word "sheriff" in the fourth line, the words "any two of whom shall be a quorum," so that the said subsection shall now read as follows:

District
selectors.

(1) In a provisional judicial district where there are two judges of the district court, the judges and the sheriff, and where there is but one judge, the judge, the clerk of the district court and the sheriff, any two of whom shall be a quorum, shall be the district selectors of jurors.

Rev. Stat.,
c. 108, s. 97,
subs. 2,
amended.

(2) Subsection 2 of section 97 of *The Jurors Act* is amended by adding at the commencement thereof the words "Subject to any agreement made between the corporation of the county and the corporation of the county town," so that the said subsection shall now read as follows:

How to be
dealt with.

(2) Subject to any agreement made between the corporation of the county and the corporation of the county town such sum in the case of a county shall be forthwith paid over to the treasurer of the county, and shall form part of the fund for the payment of petit jurors, and in the case of a district shall be forthwith paid over to the treasurer of the district and shall form part of the Consolidated Revenue Fund.

Rev. Stat.,
c. 108,
Sched. A,
amended.

(3) Schedule A to *The Jurors Act* is amended by striking out the words "Assessment Roll of the municipality for the present year" in the third and fourth lines of the last paragraph and inserting in lieu thereof the words "proper lists of the municipality," so that the said paragraph shall now read as follows:

We, the above-named local Selectors for the Municipality of _____, solemnly declare, each for himself, that we have made the selection and distribution of Jurors in this Report from the proper lists of the municipality to the best of our

(5) There is no power given at present, except in rare instances, to a judge presiding in civil cases to exclude the public from the court when he believes that it is in the interest of public decency and morals to do so. This amendment permits such exclusion.

SECTION 16.—(1) Section 6 of the Act is made applicable to district selectors of jurors, by the language of subsection 2 of section 42. Since the quorum, under section 6, is set at three and since the total of qualified district selectors is the same figure this amendment provides for a quorum of two, in the case of district selectors.

(2) Subsection 2 of section 97 of *The Jurors Act* provides for sums paid on entering the record in jury cases to be paid over to the treasurer of the county and to form part of the fund for payment of petit jurors. This amendment permitting an agreement between the county town and the county as to payment of such sums, renders the section consistent with actual practice.

(3) The re-wording renders the solemn declaration consistent with section 17.

judgment and information, pursuant to the directions of *The Jurors Act*, and that we have so made the same without fear, favour or affection of, to or for any person or persons whomsoever, gain, reward, or hope thereof, other than the fees to which we are entitled under the provisions of that Act.

Rev. Stat.,
c. 132, s. 19,
amended.

17. Section 19 of *The Justices of the Peace Act* is amended by adding at the end thereof the words "and the sum of \$1 for all services connected with the case where there is no hearing," so that the said section shall now read as follows:

Fees in
certain
cases not
otherwise
provided for.
R.S.C. 1927,
c. 36.

19. In cases not provided for by the *Criminal Code* and *The Summary Convictions Act* a magistrate and a justice of the peace not receiving a salary shall be entitled to receive from the county, or, in the case of a district, from the Province, \$2 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and fifty cents for each additional hour above two hours, and the sum of \$1 for all services connected with the case where there is no hearing.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 12, s. 15,
subs. 2,
amended.

18. Subsection 2 of section 15 of *The Legislative Assembly Act* is amended by striking out the word "and" in the fifth line and inserting in lieu thereof the words "Minister of," so that the said subsection shall now read as follows:

Saving in
case of
exchange of
offices in
Executive
Council.

(2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of Ontario, Treasurer of Ontario, Minister of Lands and Forests, Minister of Mines, Minister of Agriculture, Minister of Public Works, Minister of Highways, Minister of Education, Minister of Health, Minister of Municipal Affairs, Minister of Public Welfare, or Minister of Labour, and being at the same time a member of the Assembly, resigns his office, and within one month after his resignation accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, unless the Administration of which he was a member has resigned, and a new Administration occupies the said offices, and in case a member of the Executive Council holding any one of the said offices, is appointed to hold another office in addition to or in connection with such first mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Rev. Stat.,
c. 294, s. 72,
subs. 2,
amended.

19. Subsection 2 of section 72 of *The Liquor Control Act* is amended by striking out the word "is" in the first line and

SECTION 17. The amendment provides remuneration for magistrates and justices of the peace in cases where no hearing is held.

SECTION 18. The Department of Public Works and the Department of Highways are now administered by separate Ministers and accordingly this amendment is necessary.

SECTION 19. This is the correction of a typographical error.

inserting in lieu thereof the word "in," so that the said subsection shall now read as follows:

Sale of beer
in specified
places
only.

- (2) The Board in issuing authorities for the sale of beer in authorized premises shall in every authority issued specify the rooms or places therein to which the sale, serving and consumption of beer shall be restricted and confined.

Rev. Stat.,
c. 257, s. 22,
subs. 1,
amended.

20.—(1) Section 22 of *The Loan and Trust Corporations Act* is amended by striking out the words "grant pensions and allowances and make payments towards insurance and" in the seventh and eighth lines and inserting in lieu thereof the words "to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection and to," so that the said section shall now read as follows:

Powers of
company as
to benefit
funds, etc.,
for em-
ployees
and their
families.

- (1) A corporation shall possess as incidental and ancillary to the powers set out in its letters patent, power to establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependants or connections of such persons, and to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

Rev. Stat.,
c. 257, s. 22,
amended.

- (2) The said section 22 is further amended by adding thereto the following subsection:

Declaration
as to
powers of
corporation.

- (2) Every corporation, whether incorporated by letters patent or not, shall be deemed to have possessed since the date of its incorporation, the incidental and ancillary powers set forth in subsection 1 including the power to exercise such powers jointly with any registered corporation, by whatever authority incorporated, possessing the same or similar powers, in such a way as to benefit the employees or ex-employees of such corporations or predecessors in business of such corporations or the dependants or connections of such persons.

Rev. Stat.,
c. 133, s. 14,
subs. 1,
amended.

21. Subsection 1 of section 14 of *The Magistrates Act* is amended by striking out the word "annual" in the second line, so that the said subsection shall now read as follows:

Salaries
to be
fixed by
Lieutenant-
Governor in
Council.

- (1) Every magistrate appointed under this Act shall be paid such salary as may be fixed by the Lieutenant-Governor in Council.

SECTION 20. The present section provides for the establishing of pension funds and similar schemes for employees by a loan company or a trust company. The amendment makes it possible to set up joint staff pension funds and similar schemes by two companies and is made retro-active to the date of incorporation of such companies.

SECTION 21. The word "annual" is misleading owing to the fact that it is not always necessary to employ magistrates for the full year.

Rev. Stat.,
c. 200, s. 32,
subs. 1,
amended.

22.—(1) Subsection 1 of section 32 of *The Mechanics' Lien Act* is amended by inserting after the word "arising" in the ninth line the words "under the building contract or," so that the said subsection shall now read as follows:

Powers of
certain
officers.

- (1) The Master, Assistant Master and the county or district judge, in addition to their ordinary powers shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein, including power to set aside a fraudulent conveyance or fraudulent mortgage, or a mortgage which amounts to a preference within the meaning of the *Bankruptcy Act* (Canada) or of *The Assignments and Preferences Act* and all questions of set-off and counterclaim arising under the building contract or out of the work or service done or materials furnished to the property in question.

R.S.C.,
c. 11.

Rev. Stat.,
c. 179.

Rev. Stat.,
c. 200, s. 42,
amended.

(2) Section 42 of *The Mechanics' Lien Act* is amended by adding at the end thereof the words "provided that where a counterclaim is set up by a defendant the amount and apportionment of the costs in respect thereof shall be in the discretion of the judge or officer trying," so that the said section shall now read as follows:

Limit of
cost to
plaintiff
and upon
counter-
claim.

42. The costs of the action, exclusive of actual disbursements awarded to the plaintiffs and successful lienholders, shall not exceed in the aggregate twenty-five per centum of the total amount found to have been actually due on the liens at the time of the registration thereof, and shall be apportioned and borne in such proportion as the judge or officer who tries the action may direct, but in making such apportionment he shall have regard to the actual services rendered by or on behalf of the parties respectively, provided that where a counterclaim is set up by a defendant the amount and apportionment of the costs in respect thereof shall be in the discretion of the judge or officer trying.

Rev. Stat.,
c. 200, s. 43,
amended.

(3) Section 43 of *The Mechanics' Lien Act* is amended by inserting after the word "exceed" in the second line the words "except in the case of a counterclaim," so that the said section shall now read as follows:

Limit of
costs of
be awarded
against
plaintiffs.

43. Where costs are awarded against the plaintiff or other persons claiming liens they shall not exceed, except in the case of a counterclaim, twenty-five per centum of the claim of the plaintiff and the other claimants, besides actual disbursements, and

SECTION 22. This Bill effects amendments which are complementary to amendments made to *The Mechanics' Lien Act* in 1937. The amendments of 1937 had the effect of eliminating multiplicity of proceedings in the courts by permitting the judge or other officer hearing a matter under *The Mechanics Lien Act* to deal with questions of set-off or counterclaim. These amendments, however, did not provide for the matter of costs in respect of the work done in connection with the set-off or counterclaim and these proposed amendments correct the situation.

shall be apportioned and borne as the judge or officer may direct.

Rev. Stat.,
c. 392, s. 16,
amended.

23. Section 16 of *The Mental Hospitals Act* is amended by adding thereto the following subsection:

Transfer to
psychiatric
hospital.
Rev. Stat.,
c. 393.

- (3) The Deputy Minister shall have authority to transfer any patient in an institution to a psychiatric hospital under *The Psychiatric Hospitals Act* for investigation or treatment, and to return such patient to the institution when the patient has received such investigation or treatment as may be necessary.

Rev. Stat.,
c. 76, s. 11,
repealed.

24. Section 11 of *The Milk Control Act* is repealed.

Rev. Stat.,
c. 28, s. 13,
subs. 1, re-
enacted.

25.—(1) Section 13 of *The Mining Tax Act* is repealed and the following substituted therefor:

Allowance
for income
tax paid
to municipi-
ality.

13. Where a person liable for payment of a tax under section 4 in respect of a mine is also during any year in which such tax is payable liable for and paying to the municipality or municipalities in which such mine is situate, a tax upon income derived from such mine, he shall be entitled to deduct from the amount of the tax payable under section 4 the amount of such municipal income tax to the extent of an amount equal to the sum for which he is liable and which is payable to the municipality or municipalities under the provisions of subsection 9 of section 39 of *The Assessment Act*, provided that notice of the amount and proof of the liability for and payment of such municipal income tax is furnished to the mine assessor at such time and in such manner as he may require.

Rev. Stat.,
c. 272.

(2) Subsection 3 of section 19 of *The Mining Tax Act* is repealed and the following substituted therefor:

"Co-owner"
what to
include.

- (3) For the purpose of this section two or more co-holders, co-lessees or co-occupiers shall be deemed to be co-owners.

Company
and share-
holder
deemed co-
owners.

- (4) For the purpose of this section an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of such company.

Service of
order on
company.

- (5) Any order made against an incorporated company under this section shall be directed to such company only.

SECTION 23. Authorizes the Deputy Minister to transfer a patient from an institution to a psychiatric hospital.

SECTION 24. The amendment eliminates the provisions of *The Milk Control Act* which prohibit co-operatives from carrying on the business of buying milk and selling it to its members and others.

SECTION 25.—(1) Section 13 of *The Mining Tax Act* is rendered consistent with subsection 9 of section 39 of *The Assessment Act*, re-enacted by section 1 of Bill No. 91, which provides for an increase in the limit of tax on income payable to a municipality out of the annual profits of a mine situate within the municipality.

(2) These amendments are necessary in order to clarify the intent of section 19 and are occasioned by the judgment of the Court of Appeal for Ontario in *re Flood and Monargo Mines Ltd.*, 1938 Ontario Reports, 282.

Rev. Stat.,
c. 71, s. 5,
amended.

26. Section 5 of *The Municipal Drainage Aid Act* is amended by striking out the words "and Highways" in the fourth line, so that the said section shall now read as follows:

Advances on
account.

5. The Lieutenant-Governor in Council may authorize the advance of the whole par value of the debentures, or the retention of such percentage thereof as he may see fit until the Minister of Public Works has reported that the works have been inspected and are completed, and the expenses in connection with the investigation and inspection shall be deducted from the amount, if any, retained.

Rev. Stat.,
c. 115, s. 5,
amended.

27. Section 5 of *The Negligence Act* is amended by inserting after the word "defendant" in the fourth line the words "or may be made a third party to the action," so that the said section shall now read as follows:

Adding
party
defendant.

5. Whenever it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant or may be made a third party to the action upon such terms as may be deemed just.

Rev. Stat.,
c. 34, s. 12,
subs. 1,
amended.

28. Subsection 1 of section 12 of *The Northern Development Act* is amended by striking out the words "and Highways" in the fourteenth line, so that the said subsection shall now read as follows:

Powers of
Minister as
to taking
lands for
roads.

- (1) The Minister may, for and in the name of His Majesty, purchase or acquire, and, subject as herein-after mentioned, may himself or by his engineers, superintendents, agents, workmen or servants, for any purpose relative to the use, construction, maintenance or repair of a road, without the consent of the owner thereof, enter upon, survey, take and expropriate any land which the Minister may deem necessary for the use, construction, maintenance or repair of a road, or for procuring stone, gravel, timber or other material for use in making, maintaining or repairing a road, and for the purposes of the powers conferred by this section the Minister shall have and may exercise the like powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon or takes land or property for the use of Ontario, and the provisions of that Act shall apply, *mutatis mutandis*.

Rev. Stat.,
c. 54.

SECTION 26. The Department of Public Works and the Department of Highways are now administered by separate Ministers and *The Municipal Drainage Aid Act* is one of the Acts administered by the Department of Public Works. Accordingly the reference in this Act should be to the Minister of Public Works.

SECTION 27. Under existing law whenever it appears that any person not already a party to an action may be wholly or partly responsible for the damages claimed in the action, he may be added as a party defendant. However, if such person is so added at the instance of the original defendant the addition is abortive unless the plaintiff makes a claim against the added defendant. The amendment permits any such person to be added as a third party instead of as a defendant so that the original defendant may claim against him as a third party.

SECTION 28. The Department of Public Works and the Department of Highways are now administered by separate Ministers and, accordingly, this amendment is necessary.

Rev. Stat.,
c. 314, s. 12,
subs. 3,
amended.

29. Subsection 3 of section 12 of *The Old Age Pensions Act* is amended by inserting after the words "shall be" in the fourth line the words "tendered for registration or entry in a registry office or land titles office or," so that the said subsection shall now read as follows:

Consent
of Commis-
sioner to
registration.

- (3) Upon registration of the notice, no deed, grant, conveyance, transfer, mortgage, charge, lease, assignment or other instrument purporting to convey or transfer any land or any interest therein, made and executed by a pensioner, shall be tendered for registration or entry in a registry office or land titles office or registered in a registry office or entered in any land titles office, unless the consent in writing of the chairman or a member of the Commission is endorsed thereon, and until such consent is so endorsed thereon, no land or any interest therein so conveyed or dealt with by a pensioner shall vest in any person named in such instrument.

Rev. Stat.,
c. 60, s. 59,
cl. d,
amended.

30.—(1) Clause *d* of section 59 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

Floating
debt.

- (d) authorize the issue by a municipality, without the assent of the electors, of debentures to pay any floating indebtedness which it may have incurred, upon such terms, in such manner and at such times as the Board may approve, or direct that such floating indebtedness be paid in such other manner and within such time as the Board may require.

1932, c. 27,
s. 98; 1935,
c. 16, s. 33
and
Rev. Stat.,
c. 59, s. 32.

- (i) "Floating indebtedness" shall include debenture debt for which debentures have been issued under this clause, clause *d* of section 78 of *The Ontario Municipal Board Act, 1932*, section 33 of *The Department of Municipal Affairs Act, 1935*, or section 32 of *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 60, s. 59,
cl. f,
amended.

(2) Clause *f* of the said section 59 is amended by inserting after the word "it" in the third line the words "or before any authorization is given by the Board to the issue by a municipality of debentures to pay any floating indebtedness," so that the said clause shall now read as follows:

Assent of
electors
to by-laws.

- (f) direct that before any approval is given by the Board to the exercise of any powers by a municipality or to any by-law passed by it or before any authorization is given by the Board to the issue by a municipality of debentures to pay any floating indebtedness,

SECTION 29. The Act provides that where a notice of granting an old age pension has been registered, certain instruments shall not be "registered in a registry office or entered in any land titles office." In addition this amendment prohibits the tendering for registration or entry so that the prohibition will extend to persons seeking to have the instrument registered or entered as well as to the registrar of deeds or master of titles.

SECTION 30.—(1) and (2) Express authority is given the Municipal Board to authorize a municipality to issue debentures to pay floating indebtedness without the assent of the electors and authority is also given to the Board to require such assent. The meaning of "Floating debt" is extended to permit the Board to authorize a supervised municipality to refund new debentures issued while under supervision.

the assent of the electors thereof or of those thereof who are qualified to vote on money by-laws first be obtained, notwithstanding such assent is not otherwise requisite.

Rev. Stat.,
c. 60, s. 107,
re-enacted.

(3) Section 107 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

Fees of
Board.

107. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such fee shall be paid in the first instance by the applicant and shall be a debt due by the applicant to His Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court.

Rev. Stat.,
c. 270, s. 5,
subs. 7,
amended.

31. Subsection 7 of section 5 of *The Planning and Development Act* is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "three," so that the said subsection shall now read as follows:

Fee to be
paid to
city on
approval
of plan.

(7) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village or of any township within an urban zone shall pay to the treasurer of such city, town or village or of such township at the time of the application for the approval of the council thereof a fee of three cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder.

Rev. Stat.,
c. 16, s. 4,
amended.

32. Section 4 of *The Public Officers Act* is amended by striking out the words "or for any mayor or other officer or member of any corporation therein," in the second and third lines, so that the said section shall now read as follows:

What oath
necessary.
Allegiance.

4. It shall not be necessary for any person appointed to any office in Ontario, or for any person admitted, called or received as a barrister, notary public or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:—

Form.

"I, A.B., do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the Reigning Sovereign for the time being), as lawful

(3) This amendment authorizes a fee on applications to the Board as well as on an order of the Board and also provides that such fees are to be paid in cash instead of by law stamps as at present.

SECTION 31. Where a subdivision is made within a city, town or village or township within an urban zone the subsection now requires a fee of five cents per foot of frontage to be paid to the municipal council at the time of the application to the council for approval of the plan. As no plan may be registered until a plan has been so approved, the amount of the fee is found to discourage registration of plans and is accordingly reduced to three cents per foot.

SECTION 32. This amendment is complementary to section 5 of Bill No. 70, which will require elected municipal officers to swear the short form of the Oath of Allegiance.

Sovereign of Great Britain, Ireland and the Dominions beyond the seas, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which I may know to be against Him or any of them; And all this I do swear without any equivocation, mental evasion or secret reservations; So help me God."

Oath of
office.

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf.

Rev. Stat.,
c. 18, s. 12,
amended.

33. Section 12 of *The Public Officers' Fees Act* is amended by inserting after the symbol and figures "\$1,800" in the eighth line the words "or the amount at which he is commuted as the case may be," and by inserting after the symbol and figures "\$1,800" in the eleventh line the words "or to the amount at which he is commuted as the case may be" so that the said section shall now read as follows:

Minimum
salary for
certain
officers.

12. Where it appears by a return to the Lieutenant-Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which does not exceed \$1,800, or the amount at which he is commuted as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount sufficient to make up the income for the year to \$1,800, or to the amount at which he is commuted as the case may be, if the Lieutenant-Governor in Council so directs.

Rev. Stat.,
c. 54, s. 1,
amended.

34.—(1) Section 1 of *The Public Works Act* is amended by adding thereto the following clause:

"Board."

(a) "Board" shall mean the Ontario Municipal Board; and by relettering the present clause *a* as clause *aa*.

Rev. Stat.,
c. 54, s. 1,
cl. *f*,
amended.

(2) Clause *f* of the said section 1 is amended by striking out all the words after the word "Works" in the first line so that the said clause shall now read as follows:

"Minister."

(f) "Minister" shall mean Minister of Public Works.

SECTION 33. The present section sets out that any supplementation shall be limited to an amount sufficient to make up the yearly income to \$1,800. This amendment provides that such supplementation may be an amount in excess of \$1,800, if the Lieutenant-Governor in Council so directs.

SECTION 34.—(1) Although "Board" is referred to a number of times in the Act it is not defined. This clause defines it.

(2) The Department of Public Works and the Department of Highways are now administered by separate Ministers, and accordingly "Minister" has been redefined.

Rev. Stat.,
c. 54, s. 31,
subs. 5,
amended.

(3) Subsection 5 of section 31 of *The Public Works Act* is amended by striking out the figures "157" in the first line and inserting in lieu thereof the figures "103" so that the said subsection shall now read as follows:

Rev. Stat.,
c. 60, s. 103,
not to apply.

(5) Section 103 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.

Rev. Stat.,
c. 170, s. 56,
subs. 4,
amended.

35. Subsection 4 of section 56 of *The Registry Act* is amended by striking out the figures "21" in the thirteenth line and inserting in lieu thereof the figures "19," so that the said subsection shall now read as follows:

Compliance
with require-
ments of
Succession Duty
Act.

(4) Unless with the consent in writing of the Treasurer of Ontario, or of some one authorized by him to consent an original will or an exemplification or certified copy of probate or letters of administration with the will annexed under the seal of any court in Great Britain and Ireland, or in any British province, colony or possession, or in any foreign country having jurisdiction therein, shall not be registered under this section unless accompanied by a certificate of the registrar of the surrogate court of the county in Ontario where the deceased had a fixed place of abode, or where the lands, or any of them, devolving by the will are situate, showing that a statement has been filed with him similar to that required by section 19 of *The Succession Duty Act*, and such certificate shall be deposited with the registrar.

Rev. Stat.,
c. 26.

Rev. Stat.,
c. 91, s. 4,
subs. 3,
amended.

36. Subsection 3 of section 4 of *The Research Foundation Act* is amended by striking out the words "In the absence" at the commencement thereof and inserting in lieu thereof the words "Upon the death and during any absence or illness," so that the said subsection shall now read as follows:

Power of
vice-
chairman.

(3) Upon the death and during any absence or illness of the chairman or at his request, the vice-chairman shall preside at the meetings of the Foundation and shall have and may exercise the powers of the chairman.

Rev. Stat.,
c. 266,
s. 390,
amended.

37. Section 390 of *The Municipal Act* is amended by adding thereto the following subsection:

Accommoda-
tion for
judges.

(1a) Where in any county court district erected under *The County Judges Act*, there is a city having a population of 100,000 or more and the judicial business in such district is divided among the judges therein as provided by the said Act, the county council of the county in which such city is situate shall provide in the court house at least one suitable office together with fuel, light, stationery, furniture

Rev. Stat.
c. 102.

(3) The former section 157 of *The Ontario Municipal Board Act* is now section 103 and the reference is corrected.

SECTION 35. This is the correction of a typographical error.

SECTION 36. The present subsection only permits the vice-chairman of the Ontario Research Foundation to act as chairman in the absence or at the request of the chairman. The subsection is amended to include the event of the death or illness of the chairman.

SECTION 37. A city having a population of 100,000 or over within a county court district is required to furnish accommodation for judges of county courts for other counties within the district.

and other accommodation for the use of the judges of the county courts of the other counties in such district who perform judicial functions in such city.

1935, c. 71,
amended.

38. *The Unemployment Relief Act, 1935*, is further amended by adding thereto the following sections:

Appoint-
ment and
dismissal
of unem-
ployment
relief ad-
ministrators
to be ap-
proved by
Minister of
Public
Welfare.

13b. A person shall not be appointed unemployment relief administrator in any municipality nor shall an unemployment relief administrator in a municipality be dismissed by the council of the corporation of the municipality until such appointment or dismissal has been approved in writing by the Minister of Public Welfare for Ontario.

Recovery of
relief
monies from
estate of
deceased
recipient.

13c. A municipality shall be entitled to recover without interest out of the estate of a deceased recipient of direct relief as a debt due by such recipient to the municipality the sum of the amounts expended by the municipality for the relief of such person and his family.

Rev. Stat.,
c. 88, s. 23,
amended.

39. Section 23 of *The Vital Statistics Act* is amended by adding thereto the following subsection:

Registration
of birth
of child
legitimated
by marriage.

(2) If persons claiming to be the parents of a child subsequently legitimated by their marriage file with Registrar-General such evidence as he may require, the Registrar-General may register such child as if legitimate at birth.

1933, c. 111,
ss. 1, 2 and
3,—effect of.

40. Sections 1, 2 and 3 of *The Windsor, Essex and Lake Shore Railway Act, 1933*, shall be deemed to have been in force and effect from the 1st day of July, 1938, and shall continue in force and effect until the 30th day of June, 1940.

1936, c. 56,
s. 2, subs. 1,
—applica-
tion of.

41. Subsection 1 of section 2 of *The Statute Law Amendment Act, 1936*, shall apply to all taxes which heretofore have been imposed or levied, or which hereafter and prior to the 31st day of December, 1939, are imposed and levied by the council of any municipality under the authority of any general or special Act.

Transfer of
Chorley Park
confirmed.

42.—(1) The deed of conveyance from His Majesty the King represented by the Honourable the Minister of Public Works for Ontario to The Hospital for Sick Children of the lands and premises situate in the City of Toronto between Roxborough Street East and Douglas Drive and the old Belt-Line Railway, containing 15 acres more or less, known as Chorley Park, and more particularly described in said deed

SECTION 38. Self-explanatory.

SECTION 39. The amendment permits the Registrar-General to register the birth of a child born out of wedlock in the same manner as though the child were born during wedlock where satisfactory evidence of the subsequent marriage of the parents and of other relevant facts is filed with him by the parents.

SECTION 40. The purpose of this provision is to continue the statutory stay of actions and the statutory suspension of the operation of statutes of limitation with respect to the unsupervised municipalities of Gosfield North, Gosfield South and Sandwich South which were in effect from June, 1933, until June, 1938.

SECTION 41. The purpose of this provision is to relieve municipal tax collectors and treasurers from the obligation of distraining for arrears of taxes prior to a tax sale.

SECTION 42. These provisions confirm the terms of the transfer of Chorley Park to the Hospital for Sick Children.

of conveyance, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and all other parties concerned according to its tenor and effect.

Chorley Park
exempt from
taxation.

(2) The said lands and premises described in said deed of conveyance, whether used by The Hospital for Sick Children for hospital purposes or otherwise and whether occupied by any person as tenant or lessee of said Hospital shall, so long as and to the extent that such lands and premises remain the property of The Hospital for Sick Children and notwithstanding the provisions of *The Assessment Act*, *The Local Improvement Act* or any other general or special Act, be exempt from all municipal taxation including school and local improvement rates or taxes.

Rev. Stat.,
c. 272.

Rev. Stat.,
c. 269.

By-law
No. 716
county of
Lennox and
Addington
confirmed.

43. By-law No. 716 passed by the council of the corporation of the county of Lennox and Addington on the 31st day of March, 1939, to equalize the assessments of the several townships, towns and villages in the county of Lennox and Addington for the purposes of rating in the year 1939, is hereby confirmed and declared to be legal, valid and binding upon the municipalities comprising the county of Lennox and Addington.

By-law
No. 1928
county of
York con-
firmed.

44. By-law No. 1928, except section 3 thereof, passed by the council of the corporation of the county of York on the 3rd day of February, 1939, to levy upon the municipalities comprising the county of York for the cost of education of county pupils of the county of York attending high schools, vocational schools and continuation schools, is hereby ratified, confirmed and declared to be legal, valid and binding upon the municipalities comprising the county of York, and the council of the said corporation may in any year levy upon such municipalities for such cost of the preceeding year.

SECTION 43. It is provided in this By-law that it shall not come into force until confirmed by Act of the Legislature.

SECTION 44. It is provided in this By-law that it shall not come into force until ratified and confirmed by the Ontario Legislature.

BILL

The Statute Law Amendment Act, 1939.

1st Reading

April 19th, 1939

2nd Reading

3rd Reading

MR. CONANT

No. 94

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Statute Law Amendment Act, 1939.

MR. CONANT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Statute Law Amendment Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 183, s. 17,
re-enacted.

1. Section 17 of *The Assignment of Book Debts Act* is repealed and the following substituted therefor:

Fees.

17. For services under this Act each proper officer shall be entitled to receive the following fees:

1. For filing and registering an assignment,—
fifty cents.
2. For filing and registering a certificate of discharge,—fifty cents.
3. For a general search,—twenty-five cents.
4. For any certificate of registration or discharge or other certificate for purposes of this Act,—
twenty-five cents.
5. For copy of any document filed under this Act including certificate, every one hundred words,
—ten cents.

Rev. Stat.,
c. 181, s. 36,
re-enacted.

2. Section 36 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor:

Schedule
of fees.

36. For services under this Act the officers shall be entitled to the following fees,—

- (a) for registering each instrument or copy or renewal statement, fifty cents;
- (b) for registering an assignment, fifty cents;
- (c) for registering a certificate of discharge, fifty cents;

- (d) for a general search or for a search as to any particular person, twenty-five cents;
- (e) for production and inspection of any instrument or document, ten cents;
- (f) for copies of any instrument or document and certifying the same, ten cents for every hundred words;
- (g) for a certificate of registration of any instrument given at the time of registration, twenty-five cents.

3.—(1) Clause *g* of subsection 1 of section 24 of *The Companies Act* is amended by inserting after the word "insurance" in the seventh line the words "or for any object similar to those set forth in this clause," so that the said clause shall now read as follows:

Rev. Stat.,
c. 251, s. 24,
subs. 1, cl. *g*,
amended.

- (g) establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this clause, and subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

(2) Clause *g* of subsection 1 of section 300 of *The Companies Act* is amended by adding at the end thereof the words "but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of the *National Housing Act* (Canada), or any amendments thereto," so that the said clause shall now read as follows:

Rev. Stat.,
c. 251, s. 300,
cl. *g*,
amended.

- (g) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an

Real estate.

insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of the *National Housing Act* (Canada), or any amendments thereto.

See R.S.C.,
c. 101, s. 54,
subs. 2,
cl. b.

Rev. Stat.,
c. 182, s. 4,
re-enacted.

4. Section 4 of *The Conditional Sales Act* as amended by section 4 of *The Conditional Sales Amendment Act, 1938*, is repealed and the following substituted therefor:

Fees.

4. The clerk of the county or district court shall make a record of every contract or renewal statement of which a copy is filed in his office under this Act in an index book to be kept for that purpose and shall be entitled to the following fees for services under this Act:

- (a) for filing each copy of a contract or renewal statement and making a record thereof.....\$.50
- (b) for filing each discharge or assignment and making a record thereof..... .50
- (c) for a general search..... .25
- (d) for the production or inspection of any copy or document filed..... .10
- (e) for copies of or extracts from any copy or document filed, whether made by the person making the search or by the clerk, per hundred words..... .10
- (f) for a certificate of the filing of or identifying any copy or document filed giving time, date and number of filing when required, or any other proper certificate not otherwise provided for..... .50

Rev. Stat.,
c. 21, s. 4,
amended.

5. Section 4 of *The Consolidated Revenue Fund Act* is amended by adding thereto the following subsection:

Settlement
and refund-
ing of
municipal
debentures.

- (4) Where a municipality fails to pay any debentures held by the Treasurer or interest thereon as the same becomes due, the Treasurer may negotiate and accept a settlement in payment and satisfaction of such indebtedness and may exchange such debenture for a new debenture issued by such municipality payable at such time or times and upon such terms as may be agreed.

6.—(1) Section 23 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 59, s. 23,
amended.

(cc) "Sheriff's office" shall mean the office of the sheriff "Sheriff's
for the county or district in which a municipality office."
subject to this Part is situate.

(2) Subsection 4 of section 43 of *The Department of Municipal Affairs Act* is amended by inserting after the word Rev. Stat.,
c. 59, s. 43,
subs. 4,
amended.
"office" in the fifth line the words "and the sheriff's office,"
so that the said subsection shall now read as follows:

(4) Immediately upon registration of a tax arrears cer- Notice of
registration
of certifi-
cate.
tificate, the treasurer shall cause to be sent by
registered mail to the last known address of the
assessed owner of the land therein described and to
all persons appearing by the records of the registry
office and the sheriff's office to have an interest
therein a written notice (Form 2), of the registration
of such certificate and of the last day for redemption
of such land.

(3) Subsection 1 of section 44 of *The Department of Municipal Affairs Act* is amended by inserting after the word Rev. Stat.,
c. 59, s. 44,
subs. 1,
amended.
"office" in the second line the words "or the sheriff's office,"
so that the said subsection shall now read as follows:

(1) The owner of or any person appearing by the records Right of
redemption.
of the registry office or the sheriff's office to have an
interest in any vacant land or improved land in
respect of which a tax arrears certificate has been
registered may redeem the same at any time within
one year after the date of registration of the certifi-
cate by paying to the corporation the amount set
forth in such certificate in respect of the land to be
redeemed, together with the amount of all expenses
incurred by the corporation and the treasurer in
registering the certificates and for searches and
postage and \$1 for each certificate and for each notice
sent under subsection 4 of section 43, and also by
paying to the corporation all taxes including the
local improvement rates and interest thereon which
would have accrued against the land if it had re-
mained the property of the former owner and had
been liable for ordinary taxation and if the value
thereof is not shown upon the assessment roll, such
taxes shall be computed at the rate fixed by by-law
for each year for which such taxes are payable upon
the value placed thereon upon the assessment roll
for the last preceding year in which it was assessed
and the local improvement rates shall be com-

puted at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 59, s. 45,
subs. 1,
amended.

(4) Subsection 1 of section 45 of *The Department of Municipal Affairs Act* is amended by striking out the word and figures "and 45" in the second line and inserting in lieu thereof the word and figures "44 and 47," so that the said subsection shall now read as follows:

Duty of
registrar.

(1) Every certificate registered under sections 43, 44 and 47 shall be entered by the registrar in the registry book in its proper order and in the proper abstract index provided under *The Registry Act*.

Rev. Stat.,
c. 170.

Rev. Stat.,
c. 59, s. 45,
amended.

(5) The said section 45 is further amended by adding thereto the following subsection:

Certificate
of sheriff.

(2a) The sheriff shall issue a certificate with respect to each name searched under section 43 for which he shall be entitled to a fee of twenty-five cents.

Rev. Stat.,
c. 59, s. 46,
amended.

(6) Section 46 of *The Department of Municipal Affairs Act* is amended by striking out the figures "45" in the third and fifth lines respectively and inserting in lieu thereof the figures "47," so that the said section shall now read as follows:

Registra-
tion of cer-
tificates.

46. Where lands to which section 43 applies are registered in a land titles office, the certificates which may be registered under the provisions of sections 43, 44 and 47 shall be registered in the proper land titles office and the provisions of the said sections 43, 44 and 47 shall, *mutatis mutandis*, apply to lands entered in a land titles office.

Rev. Stat.,
c. 107, s. 80,
amended.

7. Section 80 of *The Division Courts Act* is amended by striking out the word "substantial" in the first line and inserting in lieu thereof the word "substitutional," so that the said section shall now read as follows:

Substitu-
tional
service.

80. The judge may make an order for substitutional service or for service by advertisement or otherwise.

Rev. Stat.,
c. 8, s. 5,
amended.

8. Subsection 1 of section 5 of *The Election Act* is amended by striking out the words "of at least ten years' standing at the Bar of Ontario" in the second and third lines, so that the said subsection shall now read as follows:

- (1) The Lieutenant-Governor in Council shall appoint some person being a barrister, and a permanent officer of the Legislature or of the Assembly or otherwise employed in the public service, to be Chief Election Officer and may appoint some other person possessing the like qualifications to be Assistant Chief Election Officer.

Appoint-
ment of
Chief
Election
Officer.

9. Section 28 of *The Execution Act* is amended by striking out the words and figures "or of a certificate under section 27" in the first and second lines, and by inserting after the word "cents" in the third line the words and figures "and for the registration of a certificate under section 27 to the fee provided by *The Registry Act*" so that the said section shall now read as follows:

Rev. Stat.,
c. 125, s. 28,
amended.

28. For the registration of a notice under section 24 the registrar or master shall be entitled to a fee of fifty cents, and for the registration of a certificate under section 27 to the fee provided by *The Registry Act*, and for every notice of seizure under section 24 the sheriff shall be entitled to a fee of \$1, and for every certificate under section 27 to a fee of seventy-five cents.

Fees of
registrar
and sheriff.

Rev. Stat.,
c. 170.

10.—(1) Clause *a* of subsection 1 of section 82 of *The Factory, Shop and Office Building Act* is amended by inserting after the word "shops" in the third line the words "hair-dressing shops, beauty parlours and shoe repair shops," so that the said clause shall now read as follows:

Rev. Stat.,
c. 194, s. 82,
subs. 1, cl. a,
amended.

- (a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, hair-dressing shops, beauty parlours and shoe repair shops, but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

(2) Subsection 3 of the said section 82 is amended by striking out all the words after the word "day" in the seventh line so that the said subsection shall now read as follows:

Rev. Stat.,
c. 194, s. 82,
subs. 3,
amended.

- (3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

By-law
determining
hours of
closing.

Commence-
ment of
*Farm Products
Control Amend-
ment Act, 1939.*

11. The amendments made to *The Farm Products Control Act* at this session of the Legislature shall come into force on the day upon which they receive the Royal Assent.

Rev. Stat.,
c. 384, s. 5,
amended.

12. Section 5 of *The Female Refuges Act* is amended by striking out the words "who proves unmanageable or incorrigible" in the second line, so that the said section shall now read as follows:

Transfer to
gaol or
reformatory.

5. The inspector may direct the removal of any inmate from an industrial refuge to a common gaol or to the Andrew Mercer Ontario Reformatory for Females.

Rev. Stat.,
c. 56, s. 33,
amended.

13. Section 33 of *The Highway Improvement Act* is amended by striking out the words "and Highways" where they occur in the ninth and twelfth lines respectively, so that the said section shall now read as follows:

Procedure
on expro-
priation
of land.

33. Where, in the exercise of its powers or in the performance of its obligations under this Act, the corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works, as set out in the said *The Public Works Act* may be exercised and performed in the name of the corporation of the county.

Rev. Stat.,
c. 385, s. 12,
subs. 1,
amended.

14. Subsection 1 of section 12 of *The Houses of Refuge Act* is amended by striking out the word "six" in the thirteenth line and inserting in lieu thereof the word "four," so that the said subsection shall now read as follows:

Transfer of
property to
corporation
by inmates
of houses
of refuge.

(1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only

as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of four per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand.

15.—(1) Section 16 of *The Judicature Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 100, s. 16,
amended.

(2a) An action may be brought in the Supreme Court by or on behalf of the Attorney-General for an injunction or mandamus restraining the publication of any newspaper, publication, pamphlet, magazine, periodical or other printed matter whatsoever containing any writing, article or picture tending to insult, degrade, revile or expose to hatred, contempt, ridicule or mockery His Majesty or any member of the Royal Family. Actions
restraining
publication
of articles
or pictures
insulting
His Majesty.

(2b) The Court may in addition to making such order require the defendant to enter into a recognizance in such sum and during such term as the Court may require to carry out the terms of such order and to refrain from the publication of any writings or articles of a like nature.

(2c) Upon the making of such order the Attorney-General may cause a copy thereof to be served personally upon any person, and if such person after such service publishes any such article or writing he shall be liable for contempt to the same extent as if he were a party to the proceedings.

(2) Subsection 3 of the said section 16 is repealed and the following substituted therefor: Rev. Stat.,
c. 100, s. 16,
subs. 3,
re-enacted.

(3) An action under subsection 2 or 2a may be brought against anyone printing, publishing or distributing any publication of the kind mentioned in subsection 2 or 2a. Against
whom
action may
be brought.

(3) Subsection 4 of the said section 16 is repealed and the following substituted therefor: Rev. Stat.,
c. 100, s. 16,
subs. 4,
re-enacted.

(4) In any action brought under subsection 2, 2a, or 3 the judge may on such material as he sees fit grant an interlocutory injunction or mandamus. Power of
judge.

Rev. Stat.,
c. 100,
amended.

(4) *The Judicature Act* is amended by adding thereto the following section:

Excluding
public from
court.

76a. When the judge presiding at the hearing or trial of any cause or matter deems it to be in the interest of public decency and morals, he may order that the public shall be excluded from the court.

Rev. Stat.,
c. 108, s. 42,
subs. 1,
amended.

16.—(1) Subsection 1 of section 42 of *The Jurors Act* is amended by inserting after the word “sheriff” in the fourth line, the words “any two of whom shall be a quorum,” so that the said subsection shall now read as follows:

District
selectors.

(1) In a provisional judicial district where there are two judges of the district court, the judges and the sheriff, and where there is but one judge, the judge, the clerk of the district court and the sheriff, any two of whom shall be a quorum, shall be the district selectors of jurors.

Rev. Stat.,
c. 108, s. 97,
subs. 2,
amended.

(2) Subsection 2 of section 97 of *The Jurors Act* is amended by adding at the commencement thereof the words “Subject to any agreement made between the corporation of the county and the corporation of the county town,” so that the said subsection shall now read as follows:

How to be
dealt with.

(2) Subject to any agreement made between the corporation of the county and the corporation of the county town, such sum in the case of a county shall be forthwith paid over to the treasurer of the county, and shall form part of the fund for the payment of petit jurors, and in the case of a district shall be forthwith paid over to the treasurer of the district and shall form part of the Consolidated Revenue Fund.

Rev. Stat.,
c. 108,
Sched. A,
amended.

(3) Schedule A to *The Jurors Act* is amended by striking out the words “Assessment Roll of the municipality for the present year” in the third and fourth lines of the last paragraph and inserting in lieu thereof the words “proper lists of the municipality,” so that the said paragraph shall now read as follows:

We, the above-named local Selectors for the Municipality of _____, solemnly declare, each for himself, that we have made the selection and distribution of Jurors in this Report from the proper lists of the municipality to the best of our judgment and information, pursuant to the directions of *The Jurors Act*, and that we have so made the same without fear, favour or affection of, to or for any person or persons whomsoever, gain, reward, or hope thereof, other than the fees to which we are entitled under the provisions of that Act.

17. Section 19 of *The Justices of the Peace Act* is amended by adding at the end thereof the words "and the sum of \$1 for all services connected with the case where there is no hearing," so that the said section shall now read as follows:

Rev. Stat.,
c. 132, s. 19,
amended.

19. In cases not provided for by the *Criminal Code* and *The Summary Convictions Act* a magistrate and a justice of the peace not receiving a salary shall be entitled to receive from the county, or, in the case of a district, from the Province, \$2 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and fifty cents for each additional hour above two hours, and the sum of \$1 for all services connected with the case where there is no hearing.

Fees in
certain
cases not
otherwise
provided for.
R.S.C. 1927,
c. 36.

Rev. Stat.,
c. 136.

18. Subsection 2 of section 15 of *The Legislative Assembly Act* is amended by striking out the word "and" in the fifth line and inserting in lieu thereof the words "Minister of," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 12, s. 15,
subs. 2,
amended.

(2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of Ontario, Treasurer of Ontario, Minister of Lands and Forests, Minister of Mines, Minister of Agriculture, Minister of Public Works, Minister of Highways, Minister of Education, Minister of Health, Minister of Municipal Affairs, Minister of Public Welfare, or Minister of Labour, and being at the same time a member of the Assembly, resigns his office, and within one month after his resignation accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, unless the Administration of which he was a member has resigned, and a new Administration occupies the said offices, and in case a member of the Executive Council holding any one of the said offices, is appointed to hold another office in addition to or in connection with such first mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Saving in
case of
exchange of
offices in
Executive
Council.

19. Subsection 2 of section 72 of *The Liquor Control Act* is amended by striking out the word "is" in the first line and inserting in lieu thereof the word "in," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 294, s. 72,
subs. 2,
amended.

Sale of beer
in specified
places
only.

- (2) The Board in issuing authorities for the sale of beer in authorized premises shall in every authority issued specify the rooms or places therein to which the sale, serving and consumption of beer shall be restricted and confined.

Rev. Stat.,
c. 257, s. 22,
subs. 1,
amended.

20.—(1) Section 22 of *The Loan and Trust Corporations Act* is amended by striking out the words “grant pensions and allowances and make payments towards insurance and” in the seventh and eighth lines and inserting in lieu thereof the words “to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection and to,” so that the said section shall now read as follows:

Powers of
company as
to benefit
funds, etc.,
for em-
ployees
and their
families.

- (1) A corporation shall possess as incidental and ancillary to the powers set out in its letters patent, power to establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons, and to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

Rev. Stat.,
c. 257, s. 22,
amended.

- (2) The said section 22 is further amended by adding thereto the following subsection:

Declaration
as to
powers of
corporation.

- (2) Every corporation, whether incorporated by letters patent or not, shall be deemed to have possessed since the date of its incorporation, the incidental and ancillary powers set forth in subsection 1 including the power to exercise such powers jointly with any registered corporation, by whatever authority incorporated, possessing the same or similar powers, in such a way as to benefit the employees or ex-employees of such corporations or predecessors in business of such corporations or the dependents or connections of such persons.

Rev. Stat.,
c. 133, s. 14,
subs. 1,
amended.

21. Subsection 1 of section 14 of *The Magistrates Act* is amended by striking out the word “annual” in the second line, so that the said subsection shall now read as follows:

Salaries
to be
fixed by
Lieutenant-
Governor in
Council.

- (1) Every magistrate appointed under this Act shall be paid such salary as may be fixed by the Lieutenant-Governor in Council.

22.—(1) Subsection 1 of section 32 of *The Mechanics' Lien Act* is amended by inserting after the word "arising", Rev. Stat., c. 200, s. 32, subs. 1, amended. in the ninth line the words "under the building contract or," so that the said subsection shall now read as follows:

- (1) The Master, Assistant Master and the county or district judge, in addition to their ordinary powers Powers of certain officers. shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein, including power to set aside a fraudulent conveyance or fraudulent mortgage, or a mortgage which amounts to a preference within the meaning of the *Bankruptcy Act* (Canada), or of *The Assignments and Preferences Act*, and all questions of set-off and counterclaim R.S.C., c. 11. arising under the building contract or out of the work or service done or materials furnished to the Rev. Stat., c. 179. property in question.

(2) Section 42 of *The Mechanics' Lien Act* is amended by Rev. Stat., c. 200, s. 42, amended. adding at the end thereof the words "provided that where a counterclaim is set up by a defendant the amount and apportionment of the costs in respect thereof shall be in the discretion of the judge or officer trying," so that the said section shall now read as follows:

42. The costs of the action, exclusive of actual disbursements awarded to the plaintiffs and successful lienholders, shall not exceed in the aggregate twenty-five per centum of the total amount found to have been actually due on the liens at the time of the registration thereof, and shall be apportioned and borne in such proportion as the judge or officer who tries the action may direct, but in making such apportionment he shall have regard to the actual services rendered by or on behalf of the parties respectively, provided that where a counterclaim is set up by a defendant the amount and apportionment of the costs in respect thereof shall be in the discretion of the judge or officer trying. Limit of cost to plaintiff and upon counterclaim.

(3) Section 43 of *The Mechanics' Lien Act* is amended by Rev. Stat., c. 200, s. 43, amended. inserting after the word "exceed" in the second line the words "except in the case of a counterclaim," so that the said section shall now read as follows:

43. Where costs are awarded against the plaintiff or other persons claiming liens they shall not exceed, except in the case of a counterclaim, twenty-five per centum of the claim of the plaintiff and the other claimants, besides actual disbursements, and Limit of costs to be awarded against plaintiffs.

shall be apportioned and borne as the judge or officer may direct.

Rev. Stat.,
c. 392, s. 16,
amended.

23. Section 16 of *The Mental Hospitals Act* is amended by adding thereto the following subsection:

Transfer to
psychiatric
hospital.
Rev. Stat.,
c. 393.

- (3) The Deputy Minister shall have authority to transfer any patient in an institution to a psychiatric hospital under *The Psychiatric Hospitals Act* for investigation or treatment, and to return such patient to the institution when the patient has received such investigation or treatment as may be necessary.

Rev. Stat.,
c. 28, s. 13,
re-enacted.

24.—(1) Section 13 of *The Mining Tax Act* is repealed and the following substituted therefor:

Allowance
for income
tax paid
to municipi-
pality.

13. Where a person liable for payment of a tax under section 4 in respect of a mine is also during any year in which such tax is payable liable for and paying to the municipality or municipalities in which such mine is situate, a tax upon income derived from such mine, he shall be entitled to deduct from the amount of the tax payable under section 4 the amount of such municipal income tax to the extent of an amount equal to the sum for which he is liable and which is payable to the municipality or municipalities under the provisions of subsection 9 of section 39 of *The Assessment Act*, provided that notice of the amount and proof of the liability for and payment of such municipal income tax is furnished to the mine assessor at such time and in such manner as he may require.

Rev. Stat.,
c. 272.

(2) Subsection 3 of section 19 of *The Mining Tax Act* is repealed and the following substituted therefor:

"Co-owner"
what to
include.

- (3) For the purpose of this section two or more co-holders, co-lessees or co-occupiers shall be deemed to be co-owners.

Company
and share-
holder
deemed co-
owners.

- (4) For the purpose of this section an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of such company.

Service of
order on
company.

- (5) Any order made against an incorporated company under this section shall be directed to such company only.

25. Section 5 of *The Municipal Drainage Aid Act* is amended by striking out the words "and Highways" in the fourth line, so that the said section shall now read as follows: Rev. Stat., c. 71, s. 5, amended.

5. The Lieutenant-Governor in Council may authorize Advances on account. the advance of the whole par value of the debentures, or the retention of such percentage thereof as he may see fit until the Minister of Public Works has reported that the works have been inspected and are completed, and the expenses in connection with the investigation and inspection shall be deducted from the amount, if any, retained.

26. Section 5 of *The Negligence Act* is amended by inserting Rev. Stat., c. 115, s. 5, amended. after the word "defendant" in the fourth line the words "or may be made a third party to the action," so that the said section shall now read as follows:

5. Whenever it appears that any person not already a Adding party defendant. party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant or may be made a third party to the action upon such terms as may be deemed just.

27. Subsection 1 of section 12 of *The Northern Development Act* is amended by striking out the words "and Highways" Rev. Stat., c. 34, s. 12, subs. 1, amended. in the fourteenth line, so that the said subsection shall now read as follows:

- (1) The Minister may, for and in the name of His Majesty, purchase or acquire, and, subject as herein-after mentioned, may himself or by his engineers, Powers of Minister as to taking lands for roads. superintendents, agents, workmen or servants, for any purpose relative to the use, construction, maintenance or repair of a road, without the consent of the owner thereof, enter upon, survey, take and expropriate any land which the Minister may deem necessary for the use, construction, maintenance or repair of a road, or for procuring stone, gravel, timber or other material for use in making, maintaining or repairing a road, and for the purposes of the powers conferred by this section the Minister shall have and may exercise the like powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works Rev. Stat., c. 54. enters upon or takes land or property for the use of Ontario, and the provisions of that Act shall apply, *mutatis mutandis*.

Rev. Stat.,
c. 314, s. 12,
subs. 3,
amended.

28. Subsection 3 of section 12 of *The Old Age Pensions Act* is amended by inserting after the words "shall be" in the fourth line the words "tendered for registration or entry in a registry office or land titles office or," so that the said subsection shall now read as follows:

Consent
of Commis-
sioner to
registration.

- (3) Upon registration of the notice, no deed, grant, conveyance, transfer, mortgage, charge, lease, assignment or other instrument purporting to convey or transfer any land or any interest therein, made and executed by a pensioner, shall be tendered for registration or entry in a registry office or land titles office or registered in a registry office or entered in any land titles office, unless the consent in writing of the chairman or a member of the Commission is endorsed thereon, and until such consent is so endorsed thereon, no land or any interest therein so conveyed or dealt with by a pensioner shall vest in any person named in such instrument.

Rev. Stat.,
c. 60, s. 59,
amended.

29.—(1) Clause *d* of section 59 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

Floating
debt.

- (*d*) authorize the issue by a municipality, without the assent of the electors, of debentures to pay any floating indebtedness which it may have incurred, upon such terms, in such manner and at such times as the Board may approve, or direct that such floating indebtedness be paid in such other manner and within such time as the Board may require;

Callable
debentures.

- (*dd*) authorize the issue by a municipality, without the assent of the electors, of debentures to retire debentures which are redeemable before maturity.

Rev. Stat.,
c. 60, s. 59,
cl. *f*,
amended.

(2) Clause *f* of the said section 59 is amended by inserting after the word "it" in the third line the words "or before any authorization is given by the Board to the issue by a municipality of debentures to pay any floating indebtedness," so that the said clause shall now read as follows:

Assent of
electors
to by-laws.

- (*f*) direct that before any approval is given by the Board to the exercise of any powers by a municipality or to any by-law passed by it or before any authorization is given by the Board to the issue by a municipality of debentures to pay any floating indebtedness,

the assent of the electors thereof or of those thereof who are qualified to vote on money by-laws first be obtained, notwithstanding such assent is not otherwise requisite.

(3) Section 107 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 60, s. 107,
re-enacted.

107. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such fee shall be paid in the first instance by the applicant and shall be a debt due by the applicant to His Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court. Fees of
Board.

30. Subsection 7 of section 5 of *The Planning and Development Act* is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "three," so that the said subsection shall now read as follows: Rev. Stat.,
c. 270, s. 5,
subs. 7,
amended.

(7) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village or of any township within an urban zone shall pay to the treasurer of such city, town or village or of such township at the time of the application for the approval of the council thereof a fee of three cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder. Fee to be
paid to
city on
approval
of plan.

31. Section 4 of *The Public Officers Act* is amended by striking out the words "or for any mayor or other officer or member of any corporation therein," in the second and third lines, so that the said section shall now read as follows: Rev. Stat.,
c. 16, s. 4,
amended.

4. It shall not be necessary for any person appointed to any office in Ontario, or for any person admitted, called or received as a barrister, notary public or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:— What oath
necessary.
Allegiance.

"I, A.B., do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the Sixth (*or the Reigning Sovereign for the time being*), as lawful Form.

Sovereign of Great Britain, Ireland and the Dominions beyond the seas, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which I may know to be against Him or any of them; And all this I do swear without any equivocation, mental evasion or secret reservations; So help me God."

Oath of
office.

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf.

Rev. Stat.,
c. 18, s. 12,
amended.

32. Section 12 of *The Public Officers' Fees Act* is amended by inserting after the symbol and figures "\$1,800" in the eighth line the words "or the amount at which he is commuted as the case may be," and by inserting after the symbol and figures "\$1,800" in the eleventh line the words "or to the amount at which he is commuted as the case may be" so that the said section shall now read as follows:

Minimum
salary for
certain
officers.

12. Where it appears by a return to the Lieutenant-Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which does not exceed \$1,800, or the amount at which he is commuted as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount sufficient to make up the income for the year to \$1,800, or to the amount at which he is commuted as the case may be, if the Lieutenant-Governor in Council so directs.

Rev. Stat.,
c. 54, s. 1,
amended.

33.—(1) Section 1 of *The Public Works Act* is amended by adding thereto the following clause:

"Board."

(a) "Board" shall mean the Ontario Municipal Board; and by relettering the present clause *a* as clause *aa*.

Rev. Stat.,
c. 54, s. 1,
cl. *f*,
amended.

(2) Clause *f* of the said section 1 is amended by striking out all the words after the word "Works" in the first line so that the said clause shall now read as follows:

"Minister."

(*f*) "Minister" shall mean Minister of Public Works.

(3) Subsection 5 of section 31 of *The Public Works Act* is amended by striking out the figures "157" in the first line and inserting in lieu thereof the figures "103", so that the said subsection shall now read as follows: Rev. Stat.,
c. 54, s. 31,
subs. 5,
amended.

(5) Section 103 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section. Rev. Stat.,
c. 60, s. 103,
not to apply.

34. Subsection 4 of section 56 of *The Registry Act* is amended by striking out the figures "21" in the thirteenth line and inserting in lieu thereof the figures "19," so that the said subsection shall now read as follows: Rev. Stat.,
c. 170, s. 56,
subs. 4,
amended.

(4) Unless with the consent in writing of the Treasurer of Ontario, or of some one authorized by him to consent an original will or an exemplification or certified copy of probate or letters of administration with the will annexed under the seal of any court in Great Britain and Ireland, or in any British province, colony or possession, or in any foreign country having jurisdiction therein, shall not be registered under this section unless accompanied by a certificate of the registrar of the surrogate court of the county in Ontario where the deceased had a fixed place of abode, or where the lands, or any of them, devolving by the will are situate, showing that a statement has been filed with him similar to that required by section 19 of *The Succession Duty Act*, and such certificate shall be deposited with the registrar. Compliance
with require-
ments of
*Succession Duty
Act.*

Rev. Stat.,
c. 26.

35. Subsection 3 of section 4 of *The Research Foundation Act* is amended by striking out the words "In the absence" at the commencement thereof and inserting in lieu thereof the words "Upon the death and during any absence or illness," so that the said subsection shall now read as follows: Rev. Stat.,
c. 91, s. 4,
subs. 3,
amended.

(3) Upon the death and during any absence or illness of the chairman, or at his request, the vice-chairman shall preside at the meetings of the Foundation and shall have and may exercise the powers of the chairman. Powers of
vice-
chairman.

36. Section 390 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 266,
s. 390,
amended.

(1a) Where in any county court district erected under *The County Judges Act*, there is a city having a population of 100,000 or more and the judicial business in such district is divided among the judges therein as provided by the said Act, the county council of the county in which such city is situate shall provide in the court house at least one suitable office together with fuel, light, stationery, furniture Accommoda-
tion for
judges.

Rev. Stat.
c. 102.

and other accommodation for the use of the judges of the county courts of the other counties in such district who perform judicial functions in such city.

1935, c. 71,
amended.

37. *The Unemployment Relief Act, 1935*, is amended by adding thereto the following section:

Recovery of
relief
monies from
estate of
deceased
recipient.

13b. A municipality shall be entitled to recover without interest out of the estate of a deceased recipient of direct relief as a debt due by such recipient to the municipality the sum of the amounts expended by the municipality for the relief of such person and his family.

Rev. Stat.,
c. 88, s. 23,
amended.

38. Section 23 of *The Vital Statistics Act* is amended by adding thereto the following subsection:

Registration
of birth
of child
legitimated
by marriage.

(2) If persons claiming to be the parents of a child subsequently legitimated by their marriage file with Registrar-General such evidence as he may require, the Registrar-General may register such child as if legitimate at birth.

1933, c. 111,
ss. 1, 2 and
3, —effect of.

39. Sections 1, 2 and 3 of *The Windsor, Essex and Lake Shore Railway Act, 1933*, shall be deemed to have been in force and effect from the 1st day of July, 1938, and shall continue in force and effect until the 30th day of June, 1940.

1936, c. 56,
s. 2, subs. 1,
—applica-
tion of.

40. Subsection 1 of section 2 of *The Statute Law Amendment Act, 1936*, shall apply to all taxes which heretofore have been imposed or levied, or which hereafter and prior to the 31st day of December, 1939, are imposed and levied by the council of any municipality under the authority of any general or special Act.

Transfer of
Chorley Park
confirmed.

41.—(1) The deed of conveyance from His Majesty the King represented by the Honourable the Minister of Public Works for Ontario to The Hospital for Sick Children of the lands and premises situate in the City of Toronto between Roxborough Street East and Douglas Drive and the old Belt-Line Railway, containing 15 acres more or less, known as Chorley Park, and more particularly described in said deed of conveyance, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and all other parties concerned according to its tenor and effect.

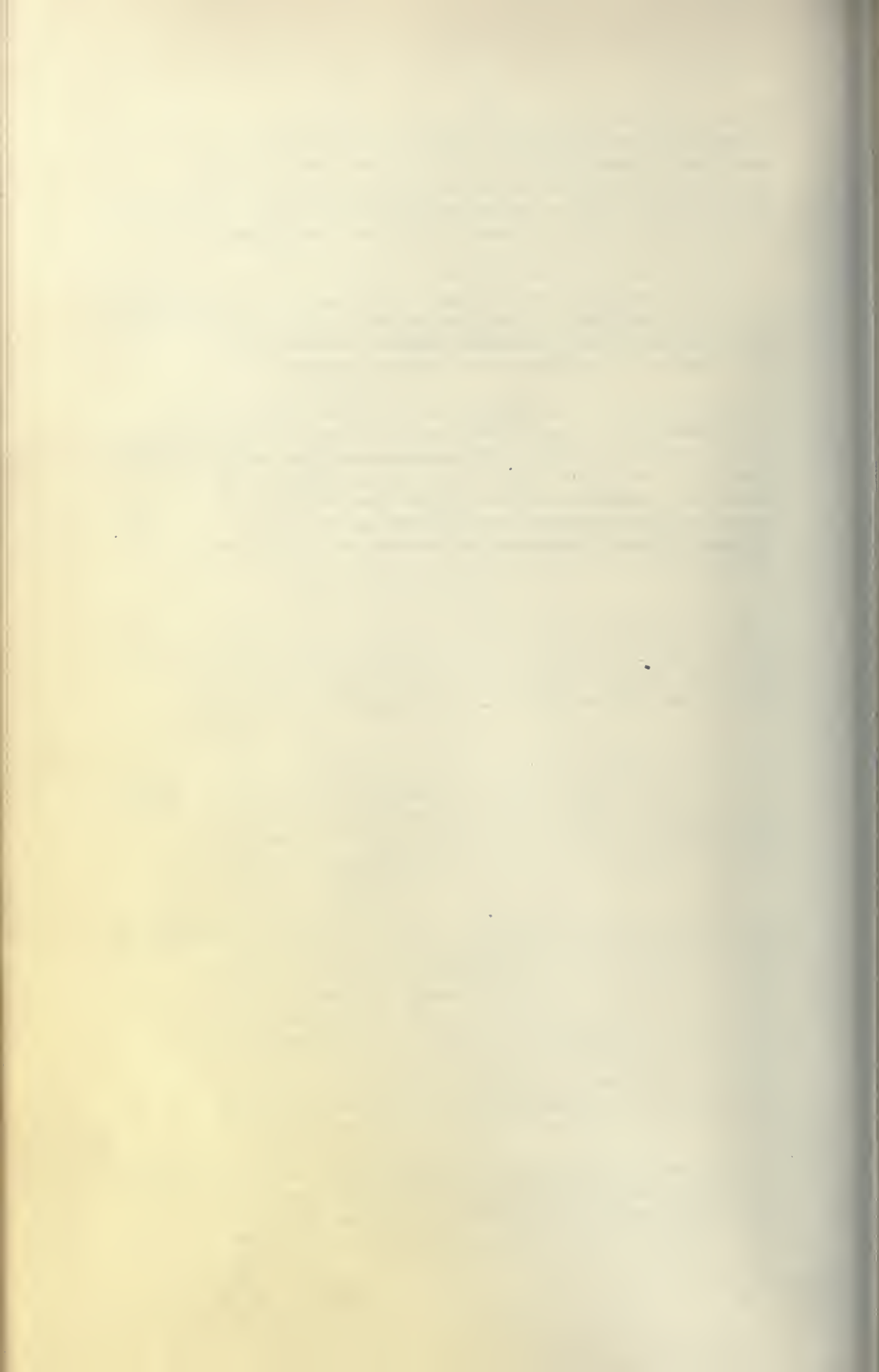
Chorley Park
exempt from
taxation.

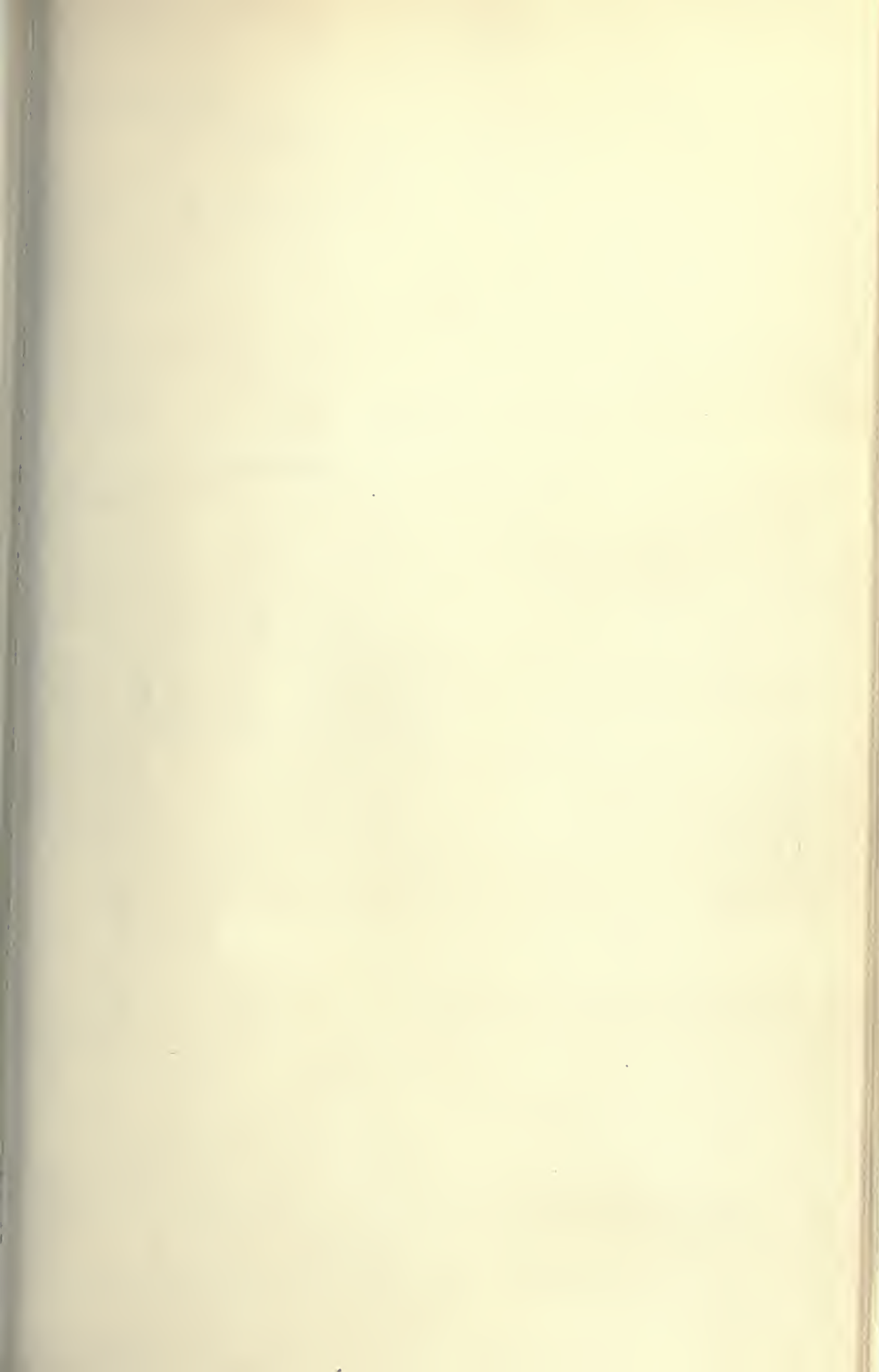
(2) The said lands and premises described in said deed of conveyance, whether used by The Hospital for Sick Children for hospital purposes or otherwise and whether occupied by any person as tenant or lessee of said Hospital shall, so long

as and to the extent that such lands and premises remain the property of The Hospital for Sick Children and notwithstanding the provisions of *The Assessment Act*, *The Local Improvement Act* or any other general or special Act, be exempt from all municipal taxation including school and local improvement rates or taxes. Rev. Stat., cc. 272, 269.

(3) Notwithstanding the provisions of subsection 2, the exemptions from taxation therein provided for shall not apply to any part of the said lands under lease from the Hospital for Sick Children to any person for any term exceeding five years. Exception to subs. 2.

42. By-law No. 716 passed by the council of the corporation of the county of Lennox and Addington on the 31st day of March, 1939, to equalize the assessments of the several townships, towns and villages in the county of Lennox and Addington for the purposes of rating in the year 1939, is hereby confirmed and declared to be legal, valid and binding upon the municipalities comprising the county of Lennox and Addington. By-law No. 716 county of Lennox and Addington confirmed.





BILL

The Statute Law Amendment Act, 1939.

1st Reading

April 19th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 26th, 1939

Mr. CONANT

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Unemployment Insurance Act, 1939.

MR. HIPEL

No. 95

1939

BILL

The Unemployment Insurance Act, 1939.

Preamble.

WHEREAS it is deemed advisable in the public interest that provision be made for a scheme of unemployment insurance; and whereas certain constitutional difficulties have arisen with regard to the enactment of such a scheme; and whereas it is desirable that the adoption and administration of such a scheme be undertaken by the Government of Canada; and whereas it is expedient to grant to the Lieutenant-Governor in Council such powers as may be necessary to permit him to enter into any agreement or arrangement for the bringing into force within Ontario of any general scheme of unemployment insurance undertaken by the Government of Canada;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
with
Governor-
General in
Council.

1. The Lieutenant-Governor in Council may,—

- (a) enter into such an agreement or other arrangement as may be deemed advisable with the Governor-General in Council for the carrying out within Ontario of any general scheme of unemployment insurance pursuant to the provisions of any Act of the Parliament of Canada heretofore or hereafter passed;
- (b) authorize and provide for the payment of unemployment insurance benefits or any part thereof to insurable persons under the conditions specified in any such Act of the Parliament of Canada; and
- (c) make such regulations as he may deem necessary for the enforcement and carrying into effect within Ontario of any general scheme of unemployment insurance provided for by any such Act of the Parliament of Canada.

Short title.

2. This Act may be cited as the *Unemployment Insurance Act*, 1939.

EXPLANATORY NOTE.

The purpose of the Bill is to authorize the Lieutenant-Governor in Council to enter into such arrangements with the Governor-General in Council as may be necessary to carry out within Ontario the provisions of any Dominion Act providing for a general scheme of unemployment insurance.

The Unemployment Insurance Act, 1939

1st Reading

April 20th, 1939

2nd Reading

3rd Reading

MR. HPEL

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

The Unemployment Insurance Act, 1939.

MR. HIPEL

BILL

The Unemployment Insurance Act, 1939.

Preamble.

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Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

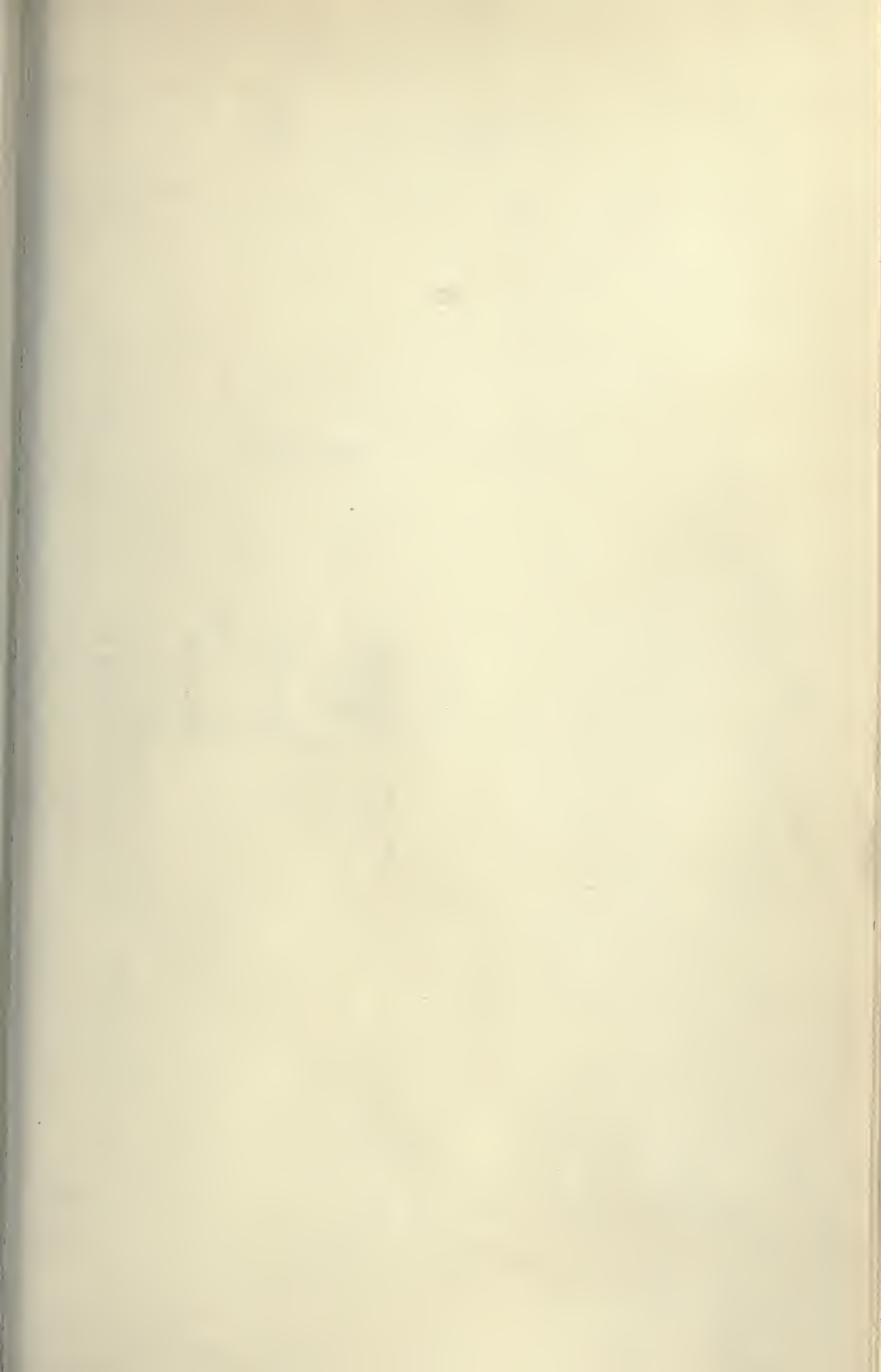
Agreement
with
Governor-
General in
Council.

1. The Lieutenant-Governor in Council may,—

- (a) enter into such an agreement or other arrangement as may be deemed advisable with the Governor-General in Council for the carrying out within Ontario of any general scheme of unemployment insurance pursuant to the provisions of any Act of the Parliament of Canada heretofore or hereafter passed;
- (b) authorize and provide for the payment of unemployment insurance benefits or any part thereof to insurable persons under the conditions specified in any such Act of the Parliament of Canada; and
- (c) make such regulations as he may deem necessary for the enforcement and carrying into effect within Ontario of any general scheme of unemployment insurance provided for by any such Act of the Parliament of Canada.

Short title.

2. This Act may be cited as the *Unemployment Insurance Act, 1939.*



BILL

The Unemployment Insurance Act, 1939

1st Reading

April 20th, 1939

2nd Reading

April 24th, 1939

3rd Reading

April 26th, 1939

MR. HIPPEL

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting Credit Unions.

MR. CONANT

BILL

An Act respecting Credit Unions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 258,
amended.

1. *The Co-operative Credit Societies Act*, being chapter 258 of *The Revised Statutes of Ontario, 1937*, is amended by striking out the words "Co-operative Credit Societies" in the title and inserting in lieu thereof the words "Credit Unions" so that the said title shall now read "The Credit Unions Act," and is further amended by striking out the words "society" and "societies" wherever they occur in the said Act and inserting in lieu thereof the words "credit union" and "credit unions" respectively.

Rev. Stat.,
c. 258,
s. 1,
amended.

2. Section 1 of *The Co-operative Credit Societies Act* is amended by adding thereto the following clause:

"Inspector."

(bb) "Inspector" shall mean inspector appointed by the Minister under the provisions of this Act.

Rev. Stat.,
c. 258, s. 7,
re-enacted.

3. Section 7 of *The Co-operative Credit Societies Act* is repealed and the following substituted therefor:

Certificate of
incorpora-
tion.

7. Upon receiving any petition the Minister may, in his discretion, refuse to issue a certificate of incorporation, or may issue a certificate of incorporation and give notice thereof in the *Ontario Gazette* and thereupon such credit union shall be a corporation under the name described in the certificate and notice, and all property, for the time being, vested in any person in trust for the credit union shall be vested in the credit union and the certificate of incorporation and the rules of the credit union, together with this Act, shall constitute the charter of the credit union.

Rev. Stat.,
c. 258, s. 13,
repealed.

4. Section 13 of *The Co-operative Credit Societies Act* is repealed.

EXPLANATORY NOTES.

SECTION 1. Changes the name of *The Co-operative Credit Societies Act* to *The Credit Unions Act*, the name by which societies of this nature are known in most jurisdictions.

SECTION 2. "Inspector" is defined because of the provision in section 7 of the Bill which provides for the appointment of an Inspector of Credit Unions.

SECTION 3. The power of the Minister to determine whether or not a certificate of incorporation shall be granted, is qualified.

SECTION 4. The section of the Act which requires the use of the words "co-operative" and "limited" to be included in the name of every society, is repealed.

Rev. Stat.,
c. 258, s. 29,
amended.

5. Section 29 of *The Co-operative Credit Societies Act* is amended by adding thereto the following subsections:

Interest rate
on loans.

- (2) Interest together with all charges shall not exceed one per centum per month on the unpaid balance of any loan.

Loans to
officers, etc.

- (3) No officer or member of a board shall borrow or have on loan an amount in excess of the aggregate of his fully paid up shares and deposits unless such loan is approved unanimously at a joint meeting of the committee and boards of credit and supervision.

Rev. Stat.,
c. 258, s. 31,
subs. 3;
s. 32, subs. 7,
repealed.

6. Subsection 3 of section 31 and subsection 7 of section 32 of *The Co-operative Credit Societies Act* are repealed.

Rev. Stat.,
c. 258,
amended.

7. *The Co-operative Credit Societies Act* is amended by adding thereto the following section:

Inspector.

- 45a.—(1) The Minister may appoint an Inspector who shall be known as the Inspector of Credit Unions.

Information
for
Inspector.

- (2) Every credit union shall furnish the Inspector with such statements with respect to its business, finances and other affairs and such other information as he may require.

Yearly
statement.

- (3) A credit union shall, on or before the 1st day of March in each year deliver to the Inspector, in duplicate, an audited statement of the receipts and expenditures, assets and liabilities of the credit union and such other information as may be required by the Inspector.

Verification.

- (4) The statement and any other information shall be certified by the board of supervision and shall be verified by the affidavit of the manager.

Inspection.

- (5) The Inspector or any person authorized by him may inspect and examine into the conditions and affairs of each credit union and shall have access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with the provisions of this Act, and the officers and employees shall facilitate such inspection and examination.

Examination
under oath.

- (6) The Inspector or any person authorized by the Minister may examine under oath officers, employees, members and members of any board, of any credit

SECTION 5. Provides for the maximum rate of interest on the unpaid balance of any loan and limits the amount of loans to officers and members of boards of credit unions.

SECTION 6. Sections now in the Act which place restrictions on loans to members of boards of credit unions are repealed as they are rendered unnecessary in view of the provision enacted by section 5 of this Bill.

SECTION 7. Provision is made for the appointment of an Inspector of Credit Unions; for the filling of annual statements; the inspection and examination of the affairs of credit unions and the examination of officers and members of the boards thereof.

union in order to obtain any information which he deems necessary for the purpose of such examination, and upon such examination the Inspector or any person so authorized by the Minister shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Reports.

- (7) The Inspector may, and at the request of the Minister shall, prepare from statements filed by the credit unions and from inspections and inquiries made, a report showing particulars of the business of each credit union and every such report may be printed and if printed shall be published forthwith.

Rev. Stat.,
c. 258, s. 51,
amended.

8. Section 51 of *The Co-operative Credit Societies Act* is amended by adding thereto the following subsections:

Penalty for
offences.

- (2) Any person guilty of an offence under this Act shall be liable to a penalty of not less than \$20 and not exceeding \$200 for every such offence and in default of payment to imprisonment for a term not exceeding three months.

Recovery of
penalties.

Rev. Stat.,
c. 136.

- (3) The penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act*.

Rev. Stat.,
c. 258, s. 53,
re-enacted.

9. Section 53 of *The Co-operative Credit Societies Act* is repealed and the following substituted therefor:

Regulations.

53. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the form and contents of the rules of credit unions;
- (b) prescribing the procedure and forms to be used under this Act;
- (c) altering, amending or varying Schedules A and B to this Act;
- (d) prescribing the fees payable for incorporation, inspection and supervision of credit unions and for the filing of any petition, return or other document required or permitted to be filed under this Act;
- (e) governing the management and control of credit unions and generally for the better carrying out of the provisions of this Act.

SECTION 8. Penalties are provided for offences against the Act

SECTION 9. The Lieutenant-Governor in Council is authorized to make regulations.

Commence-
ment of Act.

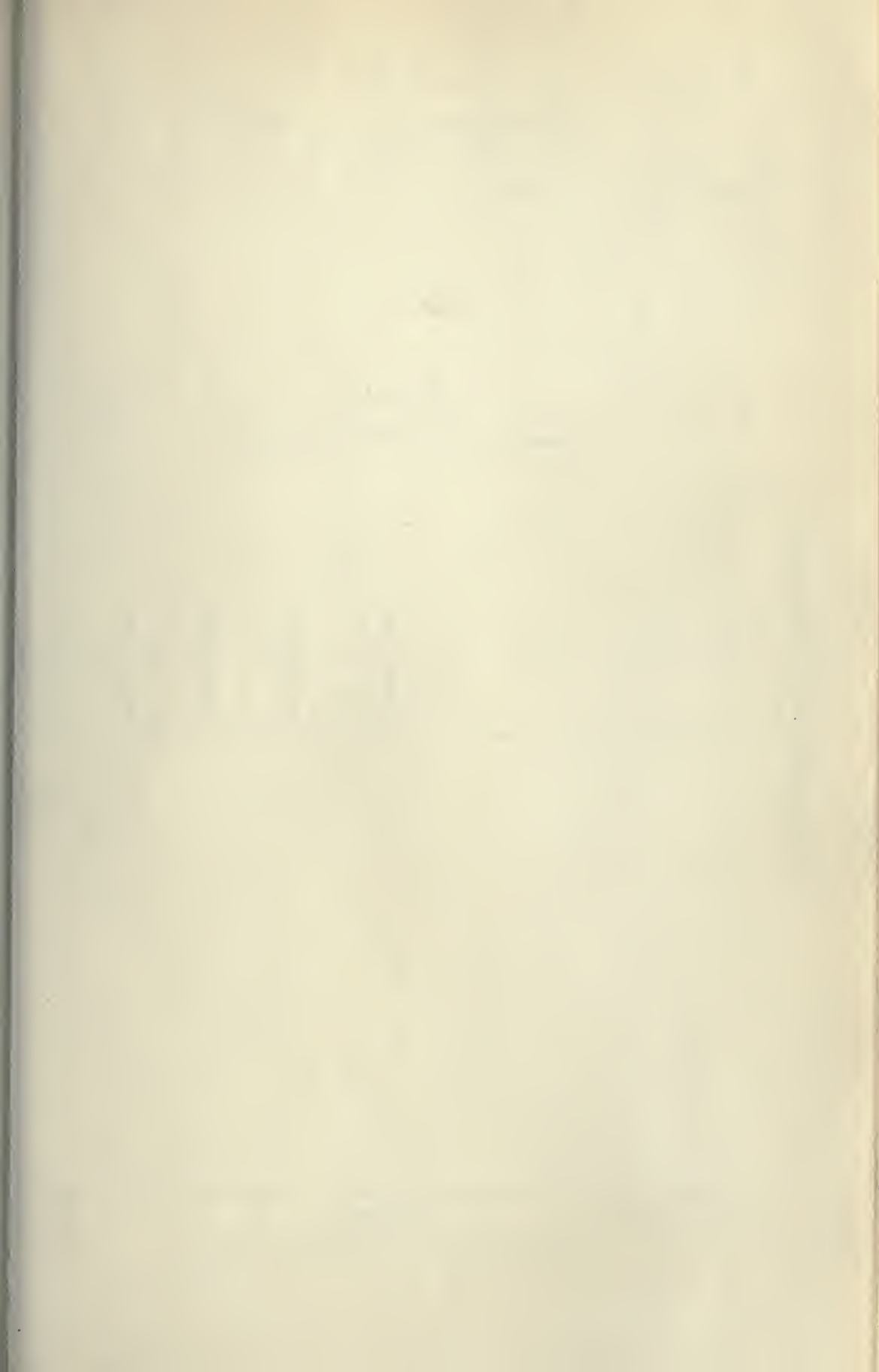
10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Credit Unions Amendment Act, 1939*.

SECTION 10. Provides that the Act shall come into force by Proclamation.





BILL

An Act respecting Credit Unions.

1st Reading

April 20th, 1939

2nd Reading

3rd Reading

MR. CONANT

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL
An Act respecting Credit Unions.

MR. CONANT

BILL

An Act respecting Credit Unions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 258,
amended.

1. *The Co-operative Credit Societies Act*, being chapter 258 of The Revised Statutes of Ontario, 1937, is amended by striking out the words "Co-operative Credit Societies" in the title and inserting in lieu thereof the words "Credit Unions" so that the said title shall now read "The Credit Unions Act," and is further amended by striking out the words "society" and "societies" wherever they occur in the said Act and inserting in lieu thereof the words "credit union" and "credit unions" respectively.

Rev. Stat.,
c. 258,
s. 1,
amended.

2. Section 1 of *The Co-operative Credit Societies Act* is amended by adding thereto the following clause:

"Inspector."

(bb) "Inspector" shall mean inspector appointed by the Minister under the provisions of this Act.

Rev. Stat.,
c. 258, s. 7,
re-enacted.

3. Section 7 of *The Co-operative Credit Societies Act* is repealed and the following substituted therefor:

Certificate of
incorpora-
tion.

7. Upon receiving any petition the Minister may, in his discretion, refuse to issue a certificate of incorporation, or may issue a certificate of incorporation and give notice thereof in the *Ontario Gazette* and thereupon such credit union shall be a corporation under the name described in the certificate and notice, and all property, for the time being, vested in any person in trust for the credit union shall be vested in the credit union and the certificate of incorporation and the rules of the credit union, together with this Act, shall constitute the charter of the credit union.

Rev. Stat.,
c. 258, s. 13,
repealed.

4. Section 13 of *The Co-operative Credit Societies Act* is repealed.

5. Section 29 of *The Co-operative Credit Societies Act* is amended by adding thereto the following subsections: Rev. Stat., c. 258, s. 29, amended.

(2) Interest together with all charges shall not exceed Interest rate on loans. one per centum per month on the unpaid balance of any loan.

(3) No officer or member of a board shall borrow or Loans to officers, etc. have on loan an amount in excess of the aggregate of his fully paid up shares and deposits unless such loan is approved unanimously at a joint meeting of the committee and boards of credit and supervision.

6. Subsection 3 of section 31 and subsection 7 of section 32 of *The Co-operative Credit Societies Act* are repealed. Rev. Stat., c. 258, s. 31, subs. 3; s. 32, subs. 7, repealed.

7. *The Co-operative Credit Societies Act* is amended by adding thereto the following section: Rev. Stat., c. 258, amended.

45a.—(1) The Minister may appoint an Inspector who Inspector. shall be known as the Inspector of Credit Unions.

(2) Every credit union shall furnish the Inspector with Information for Inspector. such statements with respect to its business, finances and other affairs and such other information as he may require.

(3) A credit union shall, on or before the 1st day of Yearly statement. March in each year deliver to the Inspector, in duplicate, an audited statement of the receipts and expenditures, assets and liabilities of the credit union and such other information as may be required by the Inspector.

(4) The statement and any other information shall be Verification. certified by the board of supervision and shall be verified by the affidavit of the manager.

(5) The Inspector or any person authorized by him may Inspection. inspect and examine into the conditions and affairs of each credit union and shall have access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with the provisions of this Act, and the officers and employees shall facilitate such inspection and examination.

(6) The Inspector or any person authorized by the Examination under oath. Minister may examine under oath officers, employees, members and members of any board, of any credit

union in order to obtain any information which he deems necessary for the purpose of such examination, and upon such examination the Inspector or any person so authorized by the Minister shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Reports.

- (7) The Inspector may, and at the request of the Minister shall, prepare from statements filed by the credit unions and from inspections and inquiries made, a report showing particulars of the business of each credit union and every such report may be printed and if printed shall be published forthwith.

Rev. Stat.,
c. 258, s. 51,
amended.

8. Section 51 of *The Co-operative Credit Societies Act* is amended by adding thereto the following subsections:

Penalty for
offences.

- (2) Any person guilty of an offence under this Act shall be liable to a penalty of not less than \$20 and not exceeding \$200 for every such offence and in default of payment to imprisonment for a term not exceeding three months.

Recovery of
penalties.

Rev. Stat.,
c. 136.

- (3) The penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act*.

Rev. Stat.,
c. 258, s. 53,
re-enacted.

9. Section 53 of *The Co-operative Credit Societies Act* is repealed and the following substituted therefor:

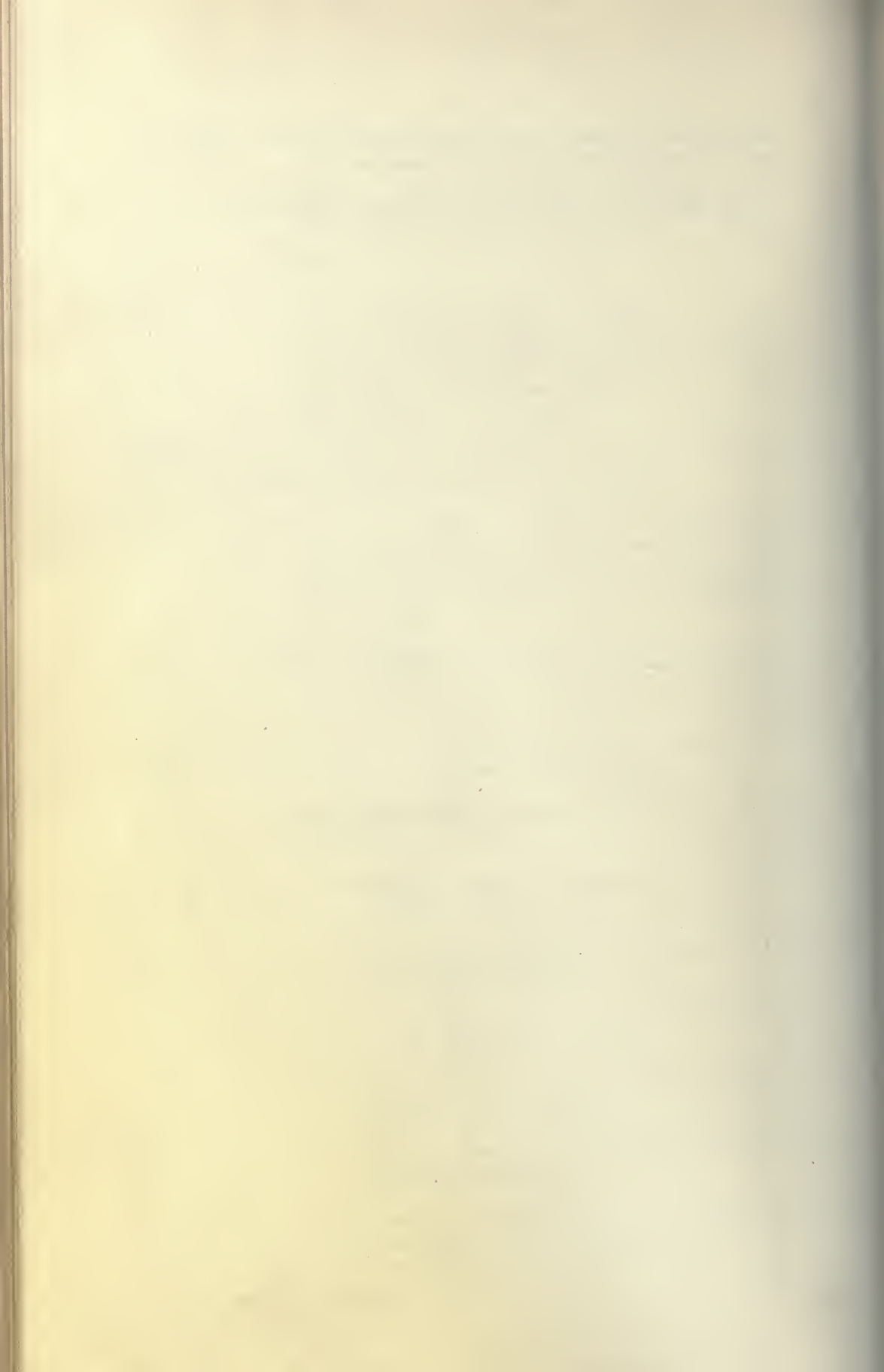
Regulations.

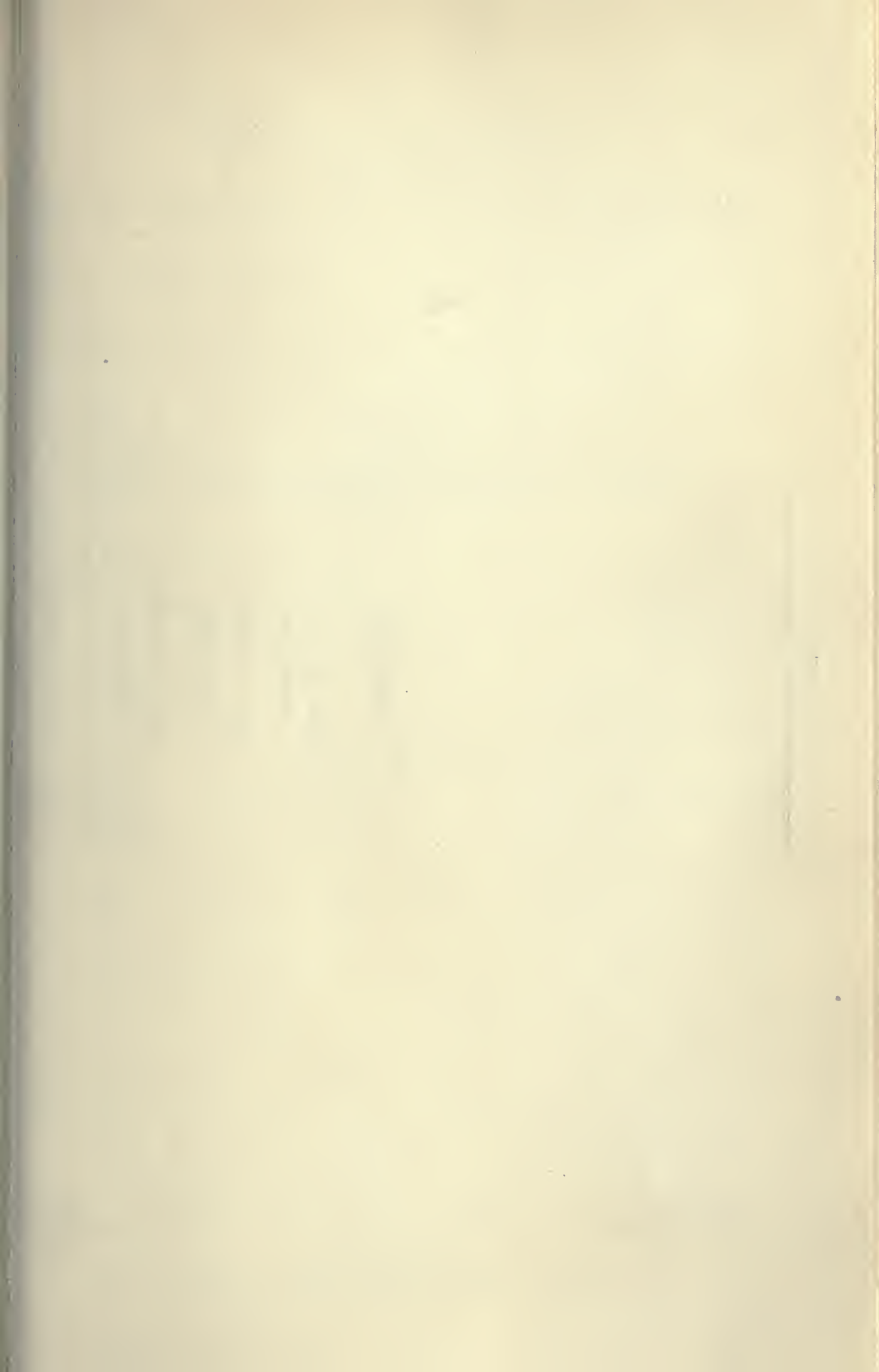
53. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the form and contents of the rules of credit unions;
- (b) prescribing the procedure and forms to be used under this Act;
- (c) altering, amending or varying Schedules A and B to this Act;
- (d) prescribing the fees payable for incorporation, inspection and supervision of credit unions and for the filing of any petition, return or other document required or permitted to be filed under this Act;
- (e) governing the management and control of credit unions and generally for the better carrying out of the provisions of this Act.

10. This Act shall come into force on a day to be named ^{Commence-}
by the Lieutenant-Governor by his Proclamation. ^{ment of Act.}

11. This Act may be cited as *The Credit Unions Amendment* ^{Short title.}
Act, 1939.





BILL

An Act respecting Credit Unions.

1st Reading

April 20th, 1939

2nd Reading

April 24th, 1939

3rd Reading

April 26th, 1939

MR. CONANT

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting a Company to be known as the Southern
Algoma Railway Company.

MR. HEPBURN (Elgin)

BILL

An Act respecting a Company to be known as the
Southern Algoma Railway Company.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Incorporation.

1. Sir James Dunn, Bart., of the City of London, England, President; William Charles Franz, Vice-President; John Alexander McPhail, Vice-President; Thomas Francis Rahilly, Managing Director; Victor McLeod, Purchasing Agent, all of the City of Sault Ste. Marie, in the Province of Ontario, and such other persons and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of The Southern Algoma Railway Company, hereinafter called "the Company."

Capital stock.

2. The capital of the Company shall be \$100,000.

Head office.

3. The head office of the Company shall be at the City of Sault Ste. Marie, Ontario.

Board of directors.

4. The board of directors shall consist of not less than five and not more than seven persons.

Provisional directors.

5. The said Sir James Dunn, Bart., William Charles Franz, John Alexander McPhail, Thomas Fortune Rahilly and Victor McLeod shall be the provisional directors of the Company.

Power to acquire railway.

6. The Company is authorized and empowered,—

(a) to acquire, purchase or lease from Algoma Steel Corporation Limited the railway properties of Algoma Steel Corporation Limited in the District of Algoma, together with its rolling stock and equipment, rights and properties incidental thereto as a going concern and to maintain and operate the same;

(b) to enter into an agreement with the said Algoma

EXPLANATORY NOTE.

The Act provides for the incorporation of a company to be known as The Southern Algoma Railway Company and empowers the company to acquire the railway properties of the Algoma Steel Corporation Limited, together with the rolling stock and equipment, and to maintain and operate the same.

Steel Corporation Limited for the purpose of operating the said railway properties;

(c) to construct, purchase, acquire and operate other railways within the District of Algoma in the Province of Ontario;

(d) to extend to the Canadian Pacific Railway and the Algoma Central Railway any railway which it may acquire or construct or operate by virtue of the powers vested in it by this Act; and

(e) to conduct a general railway and steamship business.

Bonding
powers.

Rev. Stat.,
c. 259.

7. Subject to the provisions of *The Railway Act* (Ontario), the Company may issue bonds, debentures, debenture stock or other security in an amount not exceeding \$25,000 per mile of single track of the said railway, and an additional amount not exceeding the actual value of any improvements or betterments to be made upon or to the said railway or rolling stock and other equipment employed or used in connection therewith and proposed to be acquired from the said Algoma Steel Corporation Limited or other company or person.

Applica-
tion of
provisions
of Rev.
Stat.,
c. 259.

8. Save as otherwise provided by this Act, *The Railway Act* (Ontario) shall apply to the said railway and the whole undertaking thereof.

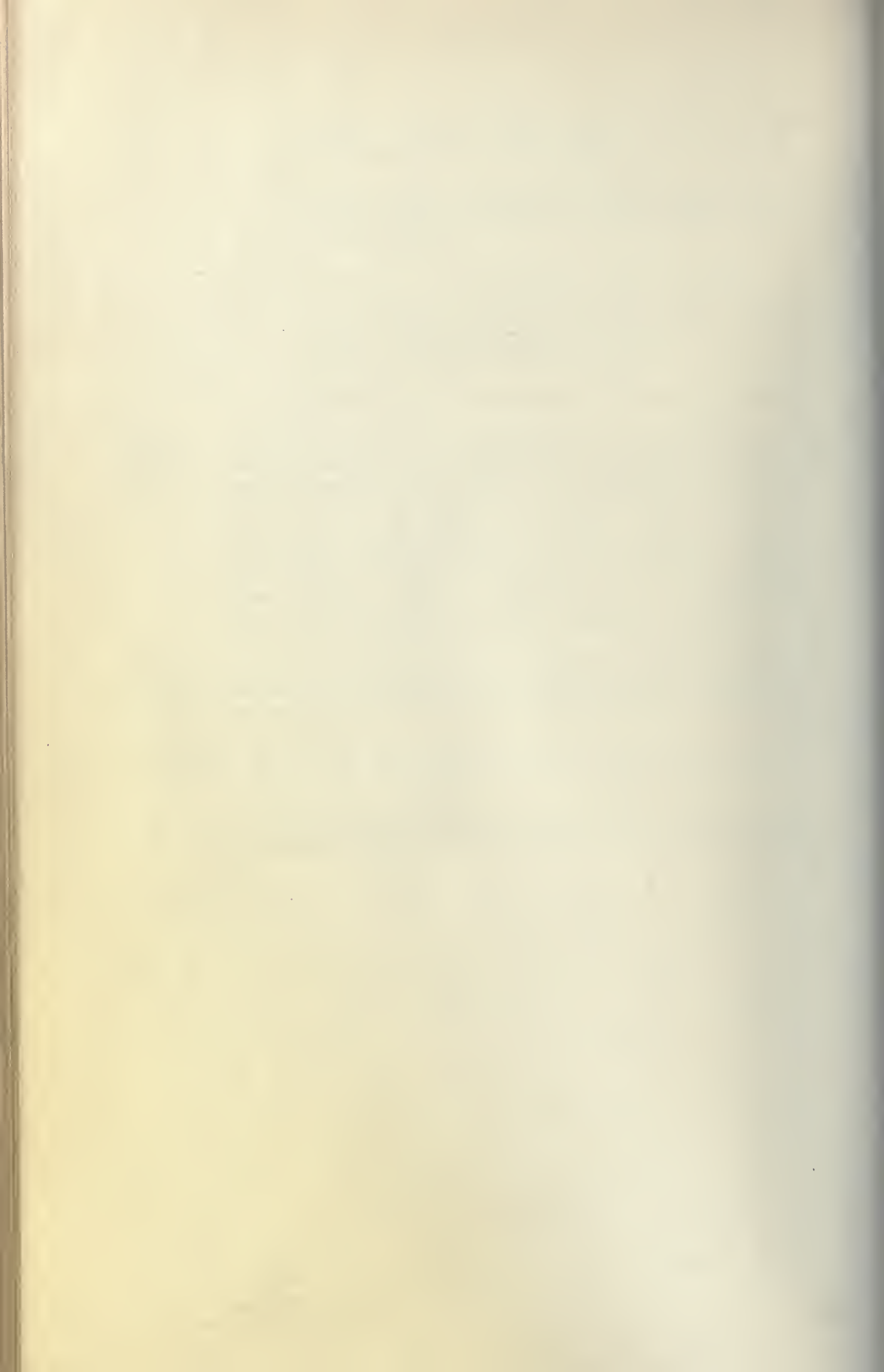
Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Southern Algoma Railway Company Act, 1939*.







BILL

An Act respecting a Company to be known
as The Southern Algoma Railway
Company.

1st Reading

April 20th, 1939

2nd Reading

3rd Reading

MR. HEPPURN (Elgin)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act respecting a Company to be known as the Southern
Algoma Railway Company.

MR. HEPBURN (Elgin)

BILL

An Act respecting a Company to be known as the
Southern Algoma Railway Company.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Incorporation.

1. Sir James Dunn, Bart., of the City of London, England, President; William Charles Franz, Vice-President; John Alexander McPhail, Vice-President; Thomas Francis Rahilly, Managing Director; Victor McLeod, Purchasing Agent, all of the City of Sault Ste. Marie, in the Province of Ontario, and such other persons and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of The Southern Algoma Railway Company, hereinafter called "the Company."

Capital stock.

2. The capital of the Company shall be \$100,000.

Head office.

3. The head office of the Company shall be at the City of Sault Ste. Marie, Ontario.

Board of directors.

4. The board of directors shall consist of not less than five and not more than seven persons.

Provisional directors.

5. The said Sir James Dunn, Bart., William Charles Franz, John Alexander McPhail, Thomas Francis Rahilly and Victor McLeod shall be the provisional directors of the Company.

Power to acquire railway.

6. The Company is authorized and empowered,—

(a) to acquire, purchase or lease from Algoma Steel Corporation Limited the railway properties of Algoma Steel Corporation Limited in the District of Algoma, together with its rolling stock and equipment, rights and properties incidental thereto as a going concern and to maintain and operate the same;

(b) to enter into an agreement with the said Algoma

Steel Corporation Limited for the purpose of operating the said railway properties;

- (c) to construct, purchase, acquire and operate other railways within the District of Algoma in the Province of Ontario;
- (d) to extend to the Canadian Pacific Railway and the Algoma Central Railway any railway which it may acquire or construct or operate by virtue of the powers vested in it by this Act; and
- (e) to conduct a general railway and steamship business.

7. Subject to the provisions of *The Railway Act* (Ontario), the Company may issue bonds, debentures, debenture stock or other security in an amount not exceeding \$25,000 per mile of single track of the said railway, and an additional amount not exceeding the actual value of any improvements or betterments to be made upon or to the said railway or rolling stock and other equipment employed or used in connection therewith and proposed to be acquired from the said Algoma Steel Corporation Limited or other company or person.

Bonding powers.

Rev. Stat., c. 259.

8. Save as otherwise provided by this Act, *The Railway Act* (Ontario) shall apply to the said railway and the whole undertaking thereof.

Application of provisions of Rev. Stat., c. 259.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

10. This Act may be cited as *The Southern Algoma Railway Company Act, 1939*.

Short title.

BILL

An Act respecting a Company to be known
as The Southern Algoma Railway
Company.

1st Reading

April 20th, 1939

2nd Reading

April 21st, 1939

3rd Reading

April 25th, 1939

MR. HEPBURN (Elgin)

No. 98

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

**An Act for Raising Money on the Credit of the Consolidated
Revenue Fund.**

MR. HEPBURN (Elgin)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act for Raising Money on the Credit of The Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loan of
\$30,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Thirty Million Dollars (\$30,000,000).

Terms to be
fixed by
Lieutenant-
Governor.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
fund.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

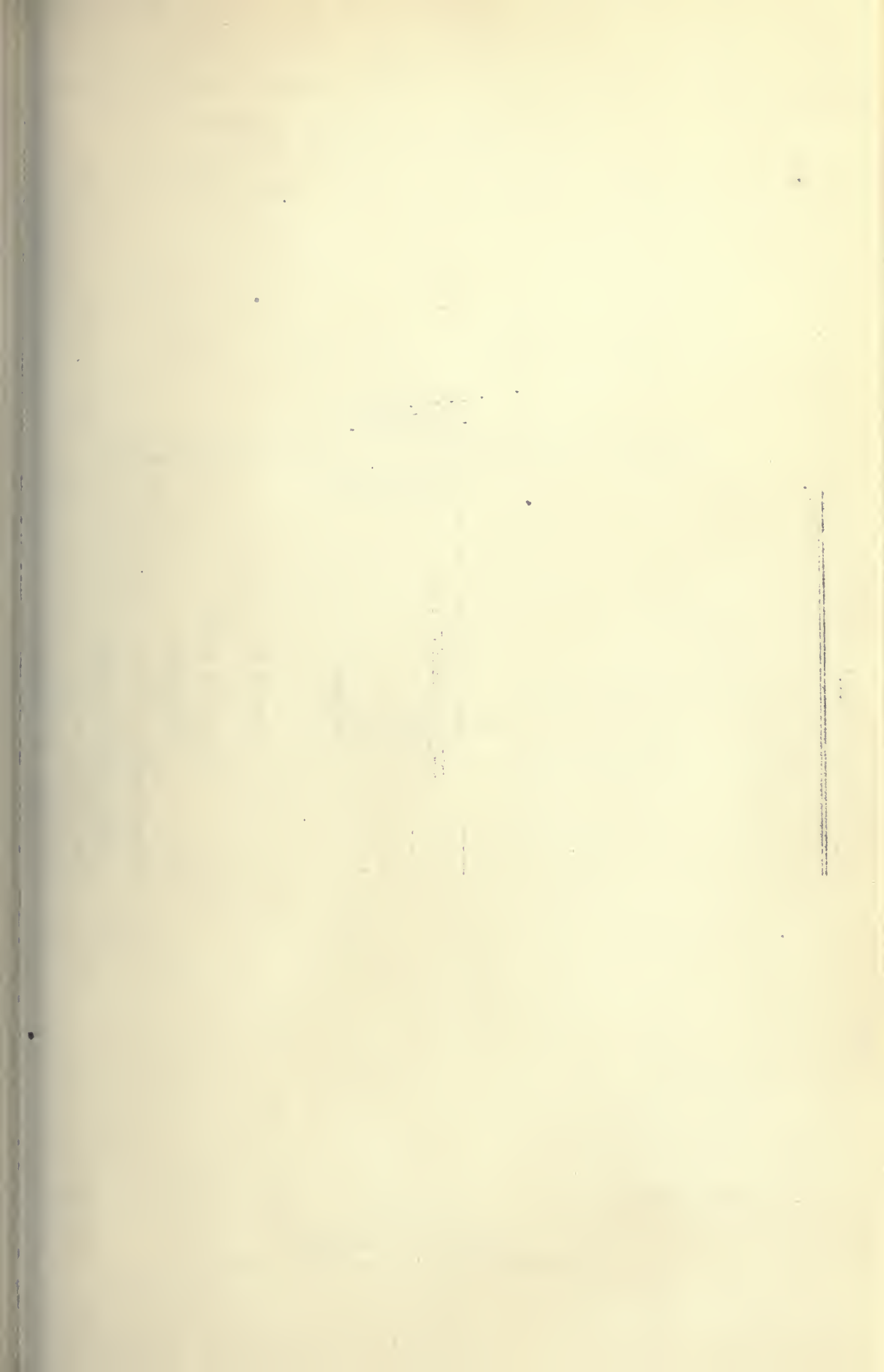
Rev. Stat.,
c. 22.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Loan Act, 1939*.



BILL

An Act for Raising Money on the Credit
of the Consolidated Revenue Fund.

1st Reading

April 24th, 1939

2nd Reading

3rd Reading

MR. HEPBURN (Elgin)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

**An Act for Raising Money on the Credit of the Consolidated
Revenue Fund.**

MR. HEPBURN (Elgin)

BILL

An Act for Raising Money on the Credit of The Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loan of
\$30,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Thirty Million Dollars (\$30,000,000).

Terms to be
fixed by
Lieutenant-
Governor.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
fund.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

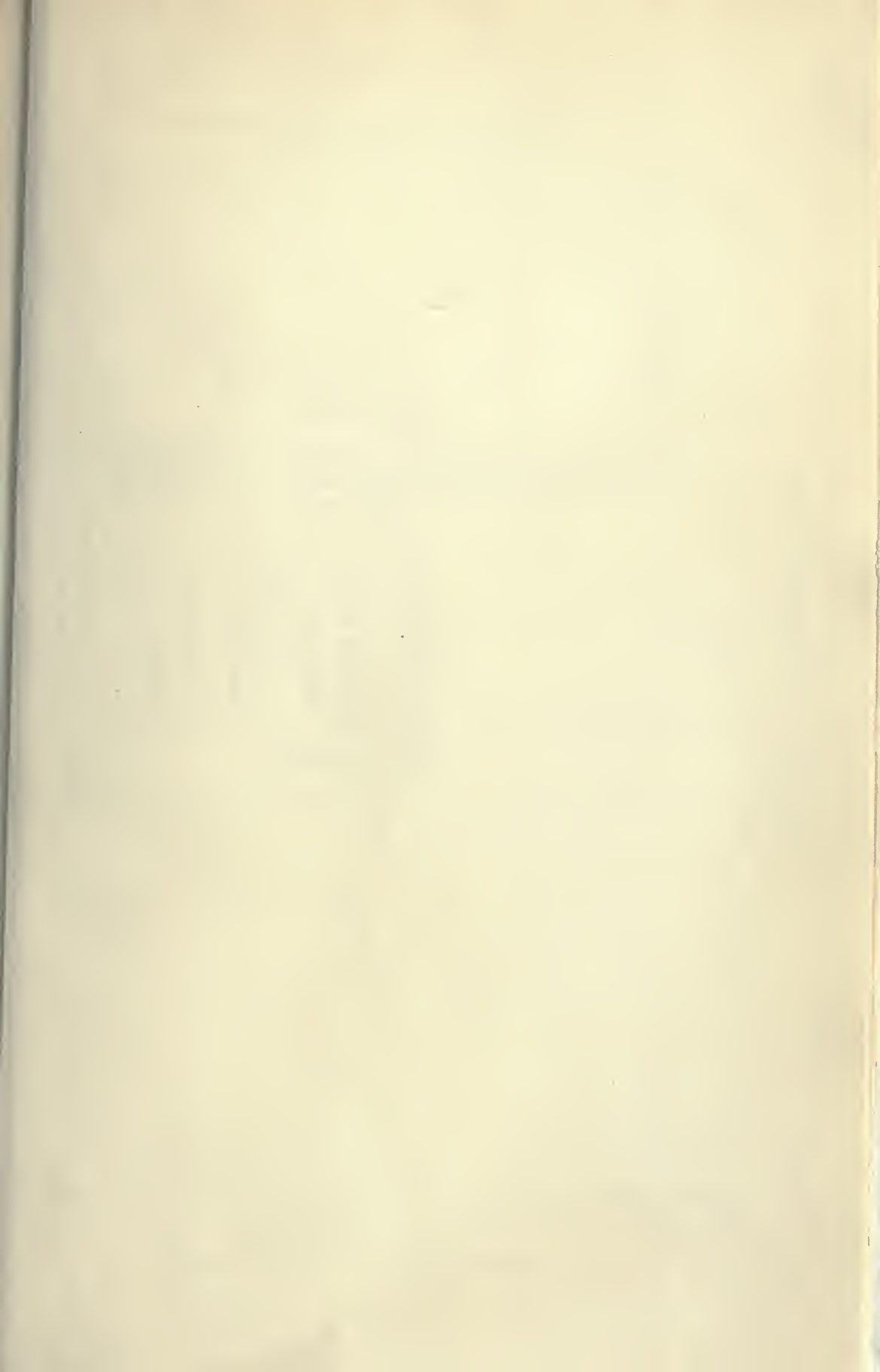
Rev. Stat.,
c. 22.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Loan Act, 1939*.



BILL

An Act for Raising Money on the Credit
of the Consolidated Revenue Fund.

1st Reading

April 24th, 1939

2nd Reading

April 25th, 1939

3rd Reading

April 26th, 1939

MR. HEBBURN (Elgin)

3RD SESSION, 20TH LEGISLATURE, ONTARIO
3 GEORGE VI, 1939

BILL

An Act for granting to His Majesty certain sums of money for the
Public Service of the financial year ending the 31st day of
March, 1940.

MR. HEPBURN (Elgin)

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1940.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from The Honourable Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1940, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$63,122,705-
.90
granted for
fiscal year
1939-40.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Sixty-three million, one hundred and twenty-two thousand, seven hundred and five dollars and ninety cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1939, to the 31st day of March, 1940, as set forth in schedule "A" to this Act.

Accounts
to be laid
before
Assembly.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1939-40 and of all expenditures under schedule "A" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appro-
priations for
1939-40
unexpended
to lapse.

3. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1940, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such sub-

sequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off. Rev. Stat., c. 24.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for Accounting for expenditure. to His Majesty.

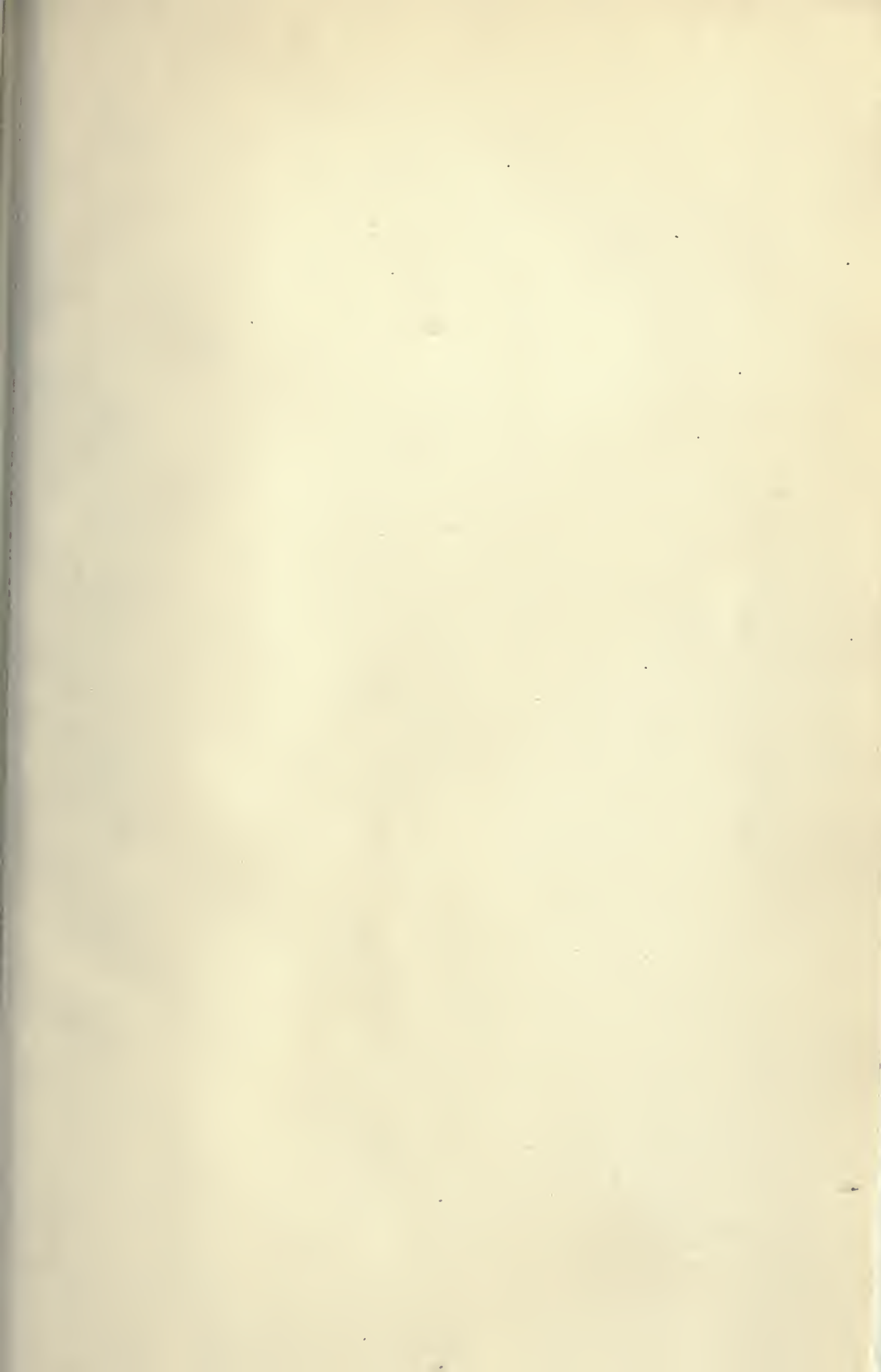
5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A"

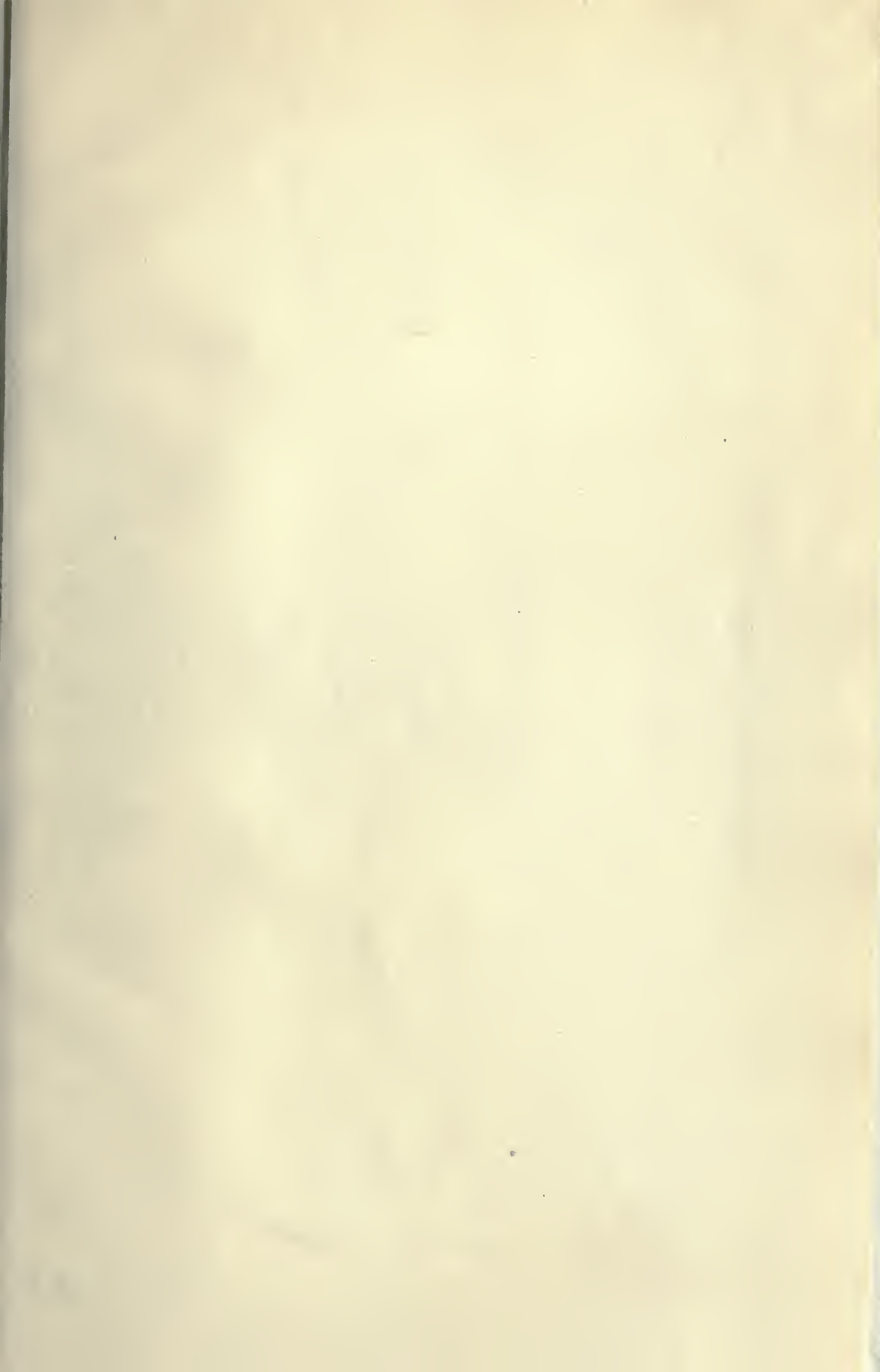
Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty, to defray expenses of:

Agriculture Department.....	\$2,301,456.25
Attorney-General's Department..	2,565,802.10
Education Department.....	11,557,986.00
Game and Fisheries Department..	681,250.00
Health Department.....	11,308,950.00
Highways Department.....	1,129,800.00
Insurance Department.....	67,100.00
Labour Department.....	641,816.55
Lands and Forests Department..	2,775,420.00
Legislation.....	273,575.00
Lieutenant-Governor's Office....	10,000.00
Mines Department.....	425,550.00
Municipal Affairs Department...	227,850.00
Prime Minister's Department...	157,920.00
Provincial Auditor's Office.....	113,500.00
Provincial Secretary's Depart- ment.....	2,036,005.00
Provincial Treasurer's Depart- ment.....	1,562,125.00
Public Welfare Department.....	19,631,900.00
Public Works Department.....	5,550,300.00
Miscellaneous.....	104,400.00

Total estimates for expenditure of 1939-
1940..... \$63,122,705.90







BILL

An Act for granting to His Majesty certain
sums of money for the Public
Service of the financial year
ending 31st day of
March, 1940

1st Reading

April 27th, 1939

2nd Reading

April 27th, 1939

3rd Reading

April 27th, 1939

MR. HEPBURN (Elgin)

